

Al Rajhi Bank

Ex. 50

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----)
4 In re Terrorist Attacks on) 03 MDL 1570 (GBD) (SN)
5 September 11, 2001) ECF Case
6 -----)
7 This document relates to:)
8 Underwriting Members of)
9 Lloyd's Syndicate 2, et al. v.)
10 Al Rajhi Bank, et al.,)
11 No. 16-cv-07853)
12 Adesso, et al. v. Kingdom of)
13 Saudi Arabia, et al.,)
14 No. 16-cv-09937)
15 Aguilar, et al. v. Kingdom of)
16 Saudi Arabia, et al.,)
17 No. 16-cv-09663)
18 Hodges, et al. v. Kingdom of)
19 Saudi Arabia, et al.,)
20 No. 17-cv-00117)
21 Aiken, et al. v. Kingdom of)
22 Saudi Arabia, et al.,)
23 No. 17-cv-0450)
24 Charter Oak Fire Insurance)
Co., et al. v. Al Rajhi Bank,)
et al., No. 17-cv-02651)
Abarca, et al. v. Kingdom of)
Saudi Arabia, et al.,)
No. 17-cv-03887)
Arrowood Indemnity Co.,)
et al. v. Kingdom of Saudi)
Arabia, et al.,)
No. 17-cv-03908)
24)

1 Abedhajaajreh, et al. v.)
 Kingdom of Saudi Arabia,)
2 et al., No. 17-cv-06123)
)
3 Muenchener Rueckversicherungs-)
 Gesellschaft)
4 Aktiengesellschaft in)
 Muenchen, et al. v. Kingdom)
5 of Saudi Arabia, et al.,)
 No. 17-cv-07914)
6)
 Abbate, et al. v. Kingdom of)
7 Saudi Arabia, et al.,)
 No. 17-cv-08617)
8)
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11 FRIDAY, FEBRUARY 9, 2024

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13 THIS TRANSCRIPT CONTAINS CONFIDENTIAL MATERIAL

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16 Remote videotaped deposition of FAWZI

17 AL-HOBAYB, held at the location of the witness in

18 Saudi Arabia, commencing at 2:32 p.m., Arabia Standard

19 Time, on the above date, before Juliana F. Zajicek,

20 Registered Professional Reporter, Certified Shorthand

21 Reporter and Certified Realtime Reporter.

22 - - -

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5 EVAN WOLFE, Trial Tech (Via Zoom)

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7

8 THE VIDEOGRAPHER:

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DAVID LANE, Golkow Litigation Services

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I N D E X

WITNESS: PAGE:

FAWZI AL-HOBAYB

EXAM BY MR. CARTER..... 10

E X H I B I T S

FAWZI AL-HOBAYB EXHIBIT MARKED FOR ID

No. 1 Notice of Oral Deposition of Fawzi 13
Al-Hobayb
No. 2 Expert Report of Fawzi Al-Hobayb, 16
Case No. 1:03-md-01570 (S.D.N.Y.)
No. 3 Document titled "Powers of the 20
Audit Committee at the Al Rajhi
Banking & Investment Corp."
No. 4 Correspondence titled "Circular to 23
All Banks Operating in The
Kingdom," Date: 18/2/1417 H
No. 5 Correspondence from Abdullah 24
Al-Sulaiman Al-Rajhi, dated
1211/1419 AH]

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1	E X H I B I T S		
2	FAWZI AL-HOBAYB EXHIBIT		MARKED FOR ID
3	No. 6	Al Rajhi Banking & Investment	27
4		Corp. Audit Plan for the Fiscal	
5		Year 2001 AD	
6	No. 7	National Commission on Terrorist	46
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16	No. 10	Aqil al-Aqil Account Statement	175
17	No. 11	Al Rajhi Banking & Investment	199
18		Corporation, Internal Audit	
19		Department, Anti-Money Laundering	
20		Procedure Guide, Edition: November	
21		1998	
22			
23			
24			

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1 THE VIDEOGRAPHER: We are now on the record. My
2 name is David Lane, videographer for Golkow Litigation
3 Services.

4 Today's date is February 9th, 2024. Our
5 time on the record is 2:32 p.m. Saudi Arabia time.

6 This remote video deposition is being held
7 in the matter of the Terrorist Attacks on
8 September 11, 2001, MDL Number 1570.

9 Our deponent today is Fawzi Al-Hobayb.

10 All parties to this deposition are
11 appearing remotely and have agreed to the witness
12 being sworn in remotely.

13 Due to the nature of remote reporting,
14 please pause briefly before speaking to ensure all
15 parties are heard completely.

16 All counsel will be noted on the
17 stenographic record.

18 The court reporter today is Juliana
19 Zajicek, and will now swear in the witness.

20 (WHEREUPON, the witness was duly
21 sworn.)

22 THE VIDEOGRAPHER: Please begin.

23 MR. CURRAN: Mr. Carter, I think you know,
24 right, but we would like strict compliance with

1 Rule 30 and the identification of all people who are
2 present.

3 So I can begin that process here. So this
4 is Christopher Curran representing Al Rajhi Bank and
5 the witness today. I'm joined in the room here by my
6 colleagues Nicole Kownacki, Reuben Sequeira, and Anwar
7 Akrouk.

8 I have another colleague of mine, Michael
9 Mahaffey, may be on virtually. And also in the room
10 here, we have a representative from the Al Rajhi Bank
11 legal department, Abdulrhman Almussaed.

12 That's it for here.

13 MR. CARTER: Good morning, Mr. Al-Hobayb. I'm
14 an attorney with Cozen O'Connor. I'm here on behalf
15 of plaintiffs. I am the only person in my room today.

16 And I'll turn it over to other plaintiffs.

17 MR. SHEPS: Robert Sheps from the Sheps Law
18 Group, and I represent a series of plaintiffs as well.

19 Good morning.

20 MR. CURRAN: If there is no one else
21 representing plaintiffs, how about representing other
22 defendants?

23 MR. GRYSKIWICZ: This is Jon Gryskiwicz. Also
24 on the call is Sumayya Khatib with me. We're from

1 Lewis Baach Kaufmann Middlemiss representing MWL,
2 IIRO, and certain charity officials.

3 MR. CURRAN: Okay. Is there anyone else on the
4 call? Okay.

5 I will remind all participants that this
6 deposition in the case is -- is covered by a
7 protective order governing confidentiality.

8 With that, Mr. Carter, the witness is
9 available. He does have a clean copy of his expert
10 report in front of him.

11 MR. CARTER: Excellent. Thank you.

12 FAWZI AL-HOBAYB,
13 called as a witness herein, having been first duly
14 sworn, was examined and testified as follows:

15 EXAMINATION

16 BY MR. CARTER:

17 Q. Good morning, Mr. Al-Hobayb. How are you?

18 A. Very good. Thank you very much, sir.

19 Q. As I said in the introduction, I'm an
20 attorney representing plaintiffs in this case.

21 Are you aware that this litigation arises
22 from the September 11th attacks?

23 A. Yes, sir.

24 Q. Are you aware that the plaintiffs in this

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1 litigation include both commercial parties injured as
2 a result of the attacks as well as family members
3 making claims for wrongful deaths and personal
4 injuries from those attacks?

5 A. Yes, sir.

6 Q. I take it that you're also aware that
7 Al Rajhi Bank is a defendant in the litigation?

8 A. Yes, sir.

9 Q. Mr. Hobayb, I believe you have previously
10 served as an expert for Al Rajhi Bank in litigation
11 that was brought in the UK against the Wall Street
12 Journal, is that correct?

13 A. Yes, sir.

14 Q. Did that concern reporting relating to
15 Al Rajhi Bank in connection with terrorism financing
16 issues?

17 MR. CURRAN: Objection; vague.

18 You may answer.

19 BY THE WITNESS:

20 A. I did not understand -- understand the
21 question. Can you please repeat it in -- I served in
22 that -- in that case, the UK case, as an expert
23 witness, and they did a test -- like a -- I think they
24 call it testimony before the judge or something like

1 that.

2 BY MR. CARTER:

3 Q. Have you served as an expert witness in
4 any other court proceeding?

5 A. No, I don't recall.

6 Q. Just so we have a clear set of ground
7 rules for today's proceeding, the court reporter is
8 going to be taking down both my questions and your
9 answers. And so it's important for you to wait until
10 I finish asking my question before you begin to answer
11 and for me to wait until you finish your answer before
12 starting another question.

13 Is that understood?

14 A. Sure, sir.

15 Q. The court reporter also cannot take down
16 gestures or nods of the head, so you have to try to
17 remember to verbalize all of your answers, okay?

18 A. Sure, sir.

19 Q. If you need to take a break at any time,
20 let us know, and I'll discuss it with your counsel and
21 we'll find an appropriate time to do that. Okay?

22 A. Sure, sir.

23 MR. CARTER: If we can just mark as Exhibit 1
24 the deposition notice at Tab 1.

1 (WHEREUPON, a certain document was
2 marked Fawzi Al-Hobayb Deposition
3 Exhibit No. 1, for identification, as
4 of 02/09/2024.)

5 BY MR. CARTER:

6 Q. Mr. Hobayb, just let me know when that is
7 up on your screen and visible.

8 A. It is visible.

9 Q. Mr. Hobayb, this is a legal notice we
10 served scheduling your deposition today.

11 Have you seen this at any point prior to
12 just now?

13 A. Can I have a minute to read it?

14 Q. Sure.

15 A. I don't remember seeing it.

16 MR. CURRAN: Yeah, and just so you're aware,
17 Mr. Al-Hobayb, you can see the first page here. If
18 you need to look at other pages, you have that
19 computer available.

20 THE WITNESS: Okay.

21 MR. CURRAN: Just so you know. I'm not -- I'm
22 not saying you need to look at additional pages for
23 this document, but just so you know the process here.

24 BY THE WITNESS:

1 A. No, I don't recall seeing it.

2 BY MR. CARTER:

3 Q. Mr. Al-Hobayb, I'm drawing your attention
4 to this simply because in No. 5 in this list, we had
5 requested that counsel for Al Rajhi Bank provide us
6 copies of any invoices you submitted in connection
7 with your work as an expert.

8 We have reached a conditional stipulation
9 with counsel for Al Rajhi that they would provide us
10 with a statement of the number of hours and total
11 amount paid, pending possible further requests by us
12 to the court for additional information.

13 I just want to ask whether or not you
14 have, in fact, generated and submitted invoices for
15 the work --

16 A. Yes.

17 Q. -- that you performed?

18 MR. CURRAN: Objection; vague.

19 You may answer.

20 BY THE WITNESS:

21 A. Yes, sir, I did. I did submitted
22 invoices.

23 BY MR. CARTER:

24 Q. Do -- do those invoices include narrative

1 descriptions of the work that you performed?

2 A. No. Just the hours spent.

3 Q. Do they identify the dates on which those
4 hours were performed by you?

5 A. Yes. I submitted for each -- for each
6 day, for each date, I submitted how many hours spent
7 in that particular day.

8 Q. Mr. Hobayb, when did you begin your work
9 for Al Rajhi Bank in this matter?

10 MR. CURRAN: Objection as to form.

11 You may answer.

12 BY THE WITNESS:

13 A. I issued my report on 21st November, 2003.
14 Sometimes either -- when did they start working on the
15 report? This was the question, sir?

16 BY MR. CARTER:

17 Q. Yes. When did you start performing work
18 in relation to the report?

19 A. Early October or sometime in September,
20 September, October, on what that -- during that day --
21 I don't really recall exact date when did they start.

22 Q. And I believe counsel has indicated to us
23 that from the date you began your work until the date
24 that you signed and submitted your report, you -- you

1 billed for 176 hours of work and a total invoice of
2 \$234,608, is that correct?

3 A. Yes, sir. Yes, sir, correct.

4 Q. So that 176 hours would cover all of the
5 work you did in reviewing documents as well as the
6 time you spent writing your report in this matter,
7 correct?

8 A. Yes, everything.

9 MR. CARTER: And if we can, why don't we just go
10 ahead and mark as exhibit Al-Hobayb 2 the expert
11 report at Tab 2.

12 (WHEREUPON, a certain document was
13 marked Fawzi Al-Hobayb Deposition
14 Exhibit No. 2, for identification, as
15 of 02/09/2024.)

16 BY MR. CARTER:

17 Q. Mr. Hobayb, I've marked the expert report
18 you submitted in this matter. I understand that there
19 have been some relatively minor corrections to your
20 report that were submitted by counsel to me at some
21 point yesterday.

22 Are you familiar with that?

23 A. Yes, sir.

24 Q. Those are not reflected on this document,

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1 but to the extent that we have a discussion related
2 to the -- the particular references or text that has
3 been revised, we can flag that issue.

4 Is that okay?

5 A. Okay, sir.

6 Q. Turning to Appendix I of your expert
7 report, which would be probably Page 35 in the PDF --
8 oh, you're there.

9 MR. CARTER: Thanks, Evan.

10 BY MR. CARTER:

11 Q. And on the next page, you've indicated the
12 materials you considered in your report.

13 Do you see that?

14 A. Yes, I can see them, yes.

15 Q. And you've included a statement there
16 that:

17 "In addition to the materials referenced
18 in my report and in Plaintiffs' experts' reports and
19 appendices, I considered the following materials:"

20 And then there's 11 specific documents
21 listed, correct?

22 A. Correct, sir.

23 Q. Did you review each and every document
24 referenced in plaintiffs' expert reports and the

1 appendices to those reports?

2 A. No, sir.

3 Q. Is there any identification in your report
4 which of those documents you did review and which you
5 did not?

6 MR. CURRAN: Objection as to form.

7 You may answer.

8 BY THE WITNESS:

9 A. Yeah. In general, whatever I saw I deemed
10 it necessary, I -- I -- I mention it. I mean -- I
11 mean, mention whatever. I don't recall exactly, but,
12 for example, when the -- in Winer's report, when he
13 was talking about certain account openings or
14 something, when he pointed that problematic things, I
15 referred to what he says. I referred to the document,
16 so this is how.

17 BY MR. CARTER:

18 Q. But to be clear, as I understand your
19 testimony, you did not review all of the documents
20 listed in the appendix of Mr. Winer's report, correct?

21 A. I reviewed what I -- what I thought was
22 necessary, but not all of them. I did not review all
23 of them, but I reviewed whatever I thought were
24 related to my expertise.

1 Q. And turning to the list of additional
2 documents that you list here, and just as an example,
3 in No. 2 you list the ARB AML Manual of November 1998.

4 Do you see that?

5 A. Yes, sir.

6 Q. Do you know whether that document was
7 produced in discovery?

8 MR. CURRAN: Objection; lack of foundation.

9 You may answer.

10 BY THE WITNESS:

11 A. Was it produced at the discovery?

12 BY MR. CARTER:

13 Q. Yeah. Do you know whether that's a
14 document that Al Rajhi Bank produced to the plaintiffs
15 as part of the discovery in this case?

16 A. I don't recall. I don't -- I don't know.
17 I cannot answer that.

18 Q. Let's just -- let's go through a few
19 specific documents cited in your -- in your expert
20 report.

21 MR. CARTER: And first let's -- let's bring up
22 and mark as the next exhibit the document at Tab 14R.

23 (WHEREUPON, a certain document was
24 marked Fawzi Al-Hobayb Deposition

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1 Exhibit No. 3, for identification, as
2 of 02/09/2024.)

3 BY MR. CARTER:

4 Q. Mr. Hobayb, do you recall citing this
5 document in your expert report?

6 MR. CURRAN: I'll note for the witness that this
7 appears to be a multipage document, that you -- you
8 can only see the first page on that computer screen.

9 BY THE WITNESS:

10 A. It looks to me this is -- is this act- --
11 is this document a translation?

12 BY MR. CARTER:

13 Q. Yeah, and if you page through, there's the
14 Arabic version behind it.

15 A. Is it possible to see the Arabic version,
16 please?

17 Q. There is.

18 MR. CURRAN: You can look on that computer if
19 that's helpful, too.

20 THE WITNESS: Is there time?

21 BY THE WITNESS:

22 A. Yes, yes, I saw this document, yes. I
23 reviewed it, yes.

24 BY MR. CARTER:

1 Q. And in reviewing documents for your expert
2 report, did you note that some of the documents
3 included a legend at the bottom indicating ARB with a
4 numerical sequence after them?

5 A. Ah, I notice sometimes those, yeah, those
6 things, yes.

7 Q. And I'm going to represent to you that the
8 ones that included the ARB with a numerical sequence
9 were documents that Al Rajhi Bank provided to us as
10 part of discovery.

11 This document does not have any such
12 legend, does it?

13 A. At the bottom should be? Yeah, no, no, I
14 don't see.

15 Q. Where did you get this document?

16 A. Through the documents that were provided
17 to me.

18 Q. Did you ask for this document?

19 A. Many documents -- some documents I asked
20 for, some documents were provided.

21 I don't recall exactly this document,
22 whether I have asked for it or it was provided to me.
23 I do not recall, but --

24 Q. So there were documents that you were

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1 interested in that you asked for and that Al Rajhi
2 Bank provided to you?

3 A. They were provided to me, but no contact
4 with Al Rajhi at all.

5 Q. But this particular document, as you
6 understand it, is an internal Al Rajhi Banking
7 document, correct?

8 A. Yes, sir, correct.

9 Q. And you don't recall whether you asked for
10 this or it was given to you, is that my understanding?

11 A. Yes, sir.

12 Q. But in either event, this document was
13 something that you had available to you for purposes
14 of your report, correct?

15 A. I reviewed it, yeah.

16 Q. And I think you actually cite it in your
17 report as well, right?

18 A. Yes, sir.

19 MR. CARTER: And if we can pull up the -- the
20 document at Tab 16R.

21 MR. CURRAN: When Mr. Carter says that, I think
22 he's asking the court reporter or a technician to
23 bring up the document, not you.

24 MR. CARTER: I am.

1 And we'll mark this as the next exhibit.

2 (WHEREUPON, a certain document was

3 marked Fawzi Al-Hobayb Deposition

4 Exhibit No. 4, for identification, as

5 of 02/09/2024.)

6 BY MR. CARTER:

7 Q. This is another document that is cited in
8 your expert report. And do you agree, this also does
9 not include any ARB with a numerical designation
10 legend at the bottom?

11 A. I don't see it on the screen.

12 Q. Do you recall whether you requested this
13 document, or how did this -- how did this document
14 come to you for purposes of your expert report?

15 A. Well, I have access to many SAMA
16 circulars. I ident- -- I identified this as related.

17 Q. Is this something that you sought out and
18 found on your own or is it something you got that you
19 received from Al Rajhi Bank even, including through
20 counsel?

21 MR. CURRAN: Objection as to form.

22 You may answer.

23 BY THE WITNESS:

24 A. Really, I'm not really certain, but --

1 well, more probable that I -- I have cited this, more
2 probable.

3 BY MR. CARTER:

4 Q. More probable that you had this in your
5 own collection?

6 A. No, no, that I picked this out of many
7 circulars, that this is related. I mean -- I mean,
8 when we're talking about account opening, you want to
9 see what the regulations are talking about. So I
10 don't really recall exactly whether it was just
11 provided or I picked it. I don't recall.

12 MR. CARTER: Let's move on to the document at
13 Tab 24R.

14 (WHEREUPON, a certain document was
15 marked Fawzi Al-Hobayb Deposition
16 Exhibit No. 5, for identification, as
17 of 02/09/2024.)

18 BY MR. CARTER:

19 Q. Mr. Hobayb, this is another document cited
20 in your report. And, again, there's no ARB numerical
21 designation on this.

22 Was this an --

23 A. I --

24 Q. Is this an --

1 A. If I understand --

2 Q. If you'll look at the Arabic, the Arabic
3 is a few pages in.

4 A. Yeah.

5 Q. This is an internal Al Rajhi Bank
6 document, correct?

7 A. Yes, sir.

8 Q. And so this was provided to you for
9 purposes of your expert report?

10 A. I reviewed this. I reviewed this, yeah.
11 I reviewed this. It was provided, yes.

12 Q. Do you recall whether you -- whether you
13 asked for this?

14 A. I don't -- don't really recall. I don't
15 really recall.

16 Q. But this document was in some way made
17 available to you for purposes of your expert report?

18 A. Whether I have asked for it or whether it
19 was provided, I don't really recall, but it's very
20 important document for me to base my opinion on.

21 Q. So to the extent that there were really
22 important documents relevant to your opinions, there
23 was a -- a means for you to obtain those from Al Rajhi
24 Bank, correct?

1 A. Not from Al Rajhi. Al Rajhi was not in
2 the picture. So you -- when you talk about Al Rajhi,
3 you mean Al Rajhi and his counsels or...?

4 Q. I do.

5 A. Or Al Rajhi by him -- by themselves, bank?

6 Q. No. I mean Al Rajhi includes their
7 counsel for purposes of my question.

8 MR. CURRAN: Well, objection as to form.

9 You may answer.

10 BY THE WITNESS:

11 A. Yeah. Yeah, it was provided. Whether it
12 was provided or I asked for it, because that was
13 committee. When you go to the internal audits, when
14 you talk about internal audits, also you are --
15 you're -- it's very important for me to form an -- an
16 opinion and the allegations by either Kohlmann or
17 Winer, I forgot, that the internal audit was not
18 functioning, or it was like an eagle or like a ghost
19 or something. I need to see whether, to certain
20 extent, for me to either confirm or confirm otherwise.
21 So having an annual audit plan is -- is an essential
22 part in -- of the internal auditor system.

23 MR. CARTER: And if we can just pull up and mark
24 as the next exhibit the document at 25R.

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1 (WHEREUPON, a certain document was
2 marked Fawzi Al-Hobayb Deposition
3 Exhibit No. 6, for identification, as
4 of 02/09/2024.)

5 BY MR. CARTER:

6 Q. Mr. Hobayb, this is another audit plan
7 that also does not have any ARB numerical designation
8 legend at the bottom.

9 Do you recall that you cited this document
10 in your report as well?

11 A. Can I see the Arabic, please?

12 Q. Sure.

13 A. Yeah, I think I saw this, yes.

14 Q. Okay.

15 A. And I think I refer to it in my report
16 also.

17 Q. And, again, do you recall whether this is
18 a document you requested for purposes of your report?

19 A. If it was not provided -- I mean, if it
20 was not provided, I would have asked for it. So I
21 don't really recall, I mean. The result is the same.
22 If it was not provided, I would have asked for it at
23 that time before forming my opinion.

24 Q. Mr. Hobayb, were there any documents that

1 you asked for that were not provided?

2 MR. CURRAN: Objection as to form.

3 You may answer.

4 BY THE WITNESS:

5 A. I don't -- I don't -- I don't recall. I
6 mean, I don't recall any document that I asked for and
7 it was not provided, no.

8 BY MR. CARTER:

9 Q. Turning for a moment to -- back to your
10 report and in particular your curriculum vitae under
11 Appendix II.

12 A. Yes, sir.

13 Q. And given that it's only been a short time
14 since you produced your report, I assume that this
15 curriculum vitae is essentially up-to-date?

16 MR. CURRAN: Objection as to form.

17 You may answer.

18 BY THE WITNESS:

19 A. Yes. Yes, up-to-date, yes. I think so, I
20 mean, up-to-date. Nothing major after the -- after
21 the -- submitting the CV that -- of material to be
22 changed.

23 BY MR. CARTER:

24 Q. Mr. Hobayb, I understand from your CV that

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1 you spent about almost a decade at Arab National Bank
2 as the head of the internal audit division, is that
3 correct?

4 A. Yes, nine -- nine years, nine and
5 something years, yes.

6 Q. And you have a degree in accounting from
7 King Abdul Aziz University?

8 A. Yes, sir.

9 Q. You passed the certified public accountant
10 exam in the US in 1993?

11 A. Yes, sir.

12 Q. You thereafter participated in an advanced
13 management program for overseas banks at Wharton in
14 the University of Pennsylvania in 1997?

15 A. Yes, sir.

16 Q. What -- what type of degree did you
17 receive from Wharton?

18 A. It was like a training. Maybe they
19 gave -- you know, at the end of the training -- I
20 don't really recall, but, you know, at the end of the
21 training, some -- some provide like a certificate that
22 you attended or something like this, but in this in
23 particular, I don't really recall. Maybe I need to go
24 back to my papers or something. I don't really

1 recall.

2 Q. And how long was the program at the
3 University of Pennsylvania?

4 A. A number of weeks. It was very condensed.
5 A number -- it's like -- I don't really recall
6 exactly, but, like, four to six weeks, four to five
7 weeks, some -- I don't recall, but in that range.

8 Q. After leaving Arab National Bank, your
9 curriculum vitae indicates you went to work at the
10 Capital Market Authority in Riyadh, correct?

11 A. Yes, I -- I joined the Capital Market
12 Authority in 2004.

13 Q. Is the Capital Market Authority a
14 component of the -- of the Saudi government?

15 A. It is what? It is what? Sorry.

16 Q. Is it part of the government?

17 A. Yes, sir.

18 Q. And you were there in -- in some -- in
19 different capacities from 2004 to 2015?

20 A. I was -- as -- as -- I don't really get
21 your question. I mean, I spent it from 2004 to 2013
22 as director of the enforcement division, and during
23 that year I moved to the -- to head the internal audit
24 division within the CMA. So in total, it's from 2004

1 until end of 2015.

2 Q. Your CV indicates that you currently serve
3 on a number of committees, correct?

4 A. Yes, sir.

5 Q. Aside from your committee membership, are
6 you employed currently in any other capacity?

7 A. No, sir. Except for the -- I mean, my
8 assignment in this report as an expert.

9 Q. Do you do any other consulting work
10 currently?

11 A. No, sir.

12 Q. During the time that you were the head of
13 the internal audit division at Arab National Bank, do
14 you know whether Arab National Bank held accounts for
15 the Saudi committee for support of the Intifada al
16 Quds?

17 MR. CURRAN: Objection as to form.

18 You may answer.

19 BY THE WITNESS:

20 A. I don't re -- it -- what's -- what's --
21 the name of that account?

22 BY MR. CARTER:

23 Q. The English would be Saudi Committee for
24 Support of the Intifada al Quds, and I'm going to do a

1 poor job with the Arabic, but I think it would be
2 Allajnat Alsueudiat Lidaem Intifada al Quds?

3 MR. CURRAN: Objection as to form.

4 You may answer.

5 BY THE WITNESS:

6 A. I don't recall.

7 BY MR. CARTER:

8 Q. You don't recall there being any inquiry
9 concerning payments originating at Arab National Bank
10 from an account for the Saudi Committee Support -- for
11 Support of the Intifada al Quds --

12 A. No, I don't.

13 Q. -- and Martyrs?

14 MR. CURRAN: Are you done with that question?

15 MR. CARTER: Yeah.

16 MR. CURRAN: Objection as to form.

17 You may answer.

18 BY THE WITNESS:

19 A. No, I don't recall something like that.

20 BY MR. CARTER:

21 Q. You don't recall any inquiry by the Office
22 of the Comptroller of the Currency in the
23 United States of banks under its jurisdiction that
24 addressed payments originating from Arab National Bank

1 from that account?

2 A. Can you specific -- or can you indicate in
3 what date that request may came?

4 Q. The Office of the Comptroller of the
5 Currency inquiry would have been sometime shortly
6 after April -- well, it would have included the period
7 through April of 2001.

8 MR. CURRAN: Objection as to form.

9 That's the period of inquiry or that's the
10 period of the request, Mr. Carter?

11 MR. CARTER: The inquiry was shortly thereafter.

12 MR. CURRAN: Objection as to form.

13 You may answer.

14 BY THE WITNESS:

15 A. No, I don't recall. I tried to help,
16 because if it -- if it's -- if it's post 9/11, it
17 could be part of the names in the list or something,
18 which I don't recall now, but, no, at that time I
19 don't recall, no.

20 BY MR. CARTER:

21 Q. Turning to -- turning to Page 2 of your
22 report, you included a summary of your opinions, and
23 the first topic addressed under that section is "The
24 Regulatory Landscape."

1 Do you see that?

2 A. Yes, sir.

3 Q. And in -- in that summary section, you
4 indicate that:

5 "...Saudi Arabia, even pre-9/11, had
6 strong regulatory controls and a regulatory regime
7 that reflected international best practices and
8 priorities."

9 Do you see that?

10 A. Yes, sir.

11 Q. Do you agree that Al Rajhi Bank was
12 subject to the regulatory controls and regime that
13 you're referring to in that section of your report?

14 A. Yeah, Al Rajhi Bank is a bank and, like
15 any other bank, is being -- being regulated at the
16 same time from -- from the Central Bank at that time.

17 Q. Do you believe that Al Rajhi Bank was,
18 therefore, subject to adhering to international best
19 practices?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. We know that all banks in Saudi Arabia are
24 obliged to abide by the regulations issued by the

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1 Central Bank of Saudi Arabia, which is SAMA, and as
2 discussed -- being discussed in my report, that SAMA
3 is striving to be in line with international best
4 practices and things. And all banks are, I mean,
5 they're cooperating with SAMA. SAMA is aggressive,
6 rigorous regulators.

7 MR. CURRAN: Can you say that word again, what
8 regulator?

9 THE WITNESS: Like assertive, like strong. Can
10 you help me with it? Is it --

11 MR. CURRAN: Were you saying aggressive?

12 THE WITNESS: Aggressive.

13 MR. CURRAN: All right. Thank you.

14 BY MR. CARTER:

15 Q. Mr. Hobayb, do I correctly understand your
16 opinion to be that SAMA's regulatory controls and
17 regime incorporated international best practices?

18 MR. CURRAN: Objection as to form.

19 You may answer.

20 BY THE WITNESS:

21 A. Yeah, because it -- when I discuss --
22 whenever what -- whatever I discuss, I -- I formed
23 that opinion in a -- in a certain context. For
24 example, when you talk -- talk about money --

1 anti-money laundering measures, I talk in that
2 context.

3 BY MR. CARTER:

4 Q. The -- the regulatory regime established
5 by SAMA would reflect the minimum that banks in
6 Saudi Arabia were required to do, correct?

7 MR. CURRAN: Objection as to form.

8 You may answer.

9 BY THE WITNESS:

10 A. I cannot -- I mean, if you can't give me
11 examples, I cannot assist, I mean, not general like
12 this. But banks are required to comply with the
13 regulator and its regulations. This is...

14 BY MR. CARTER:

15 Q. Would you agree that Al Rajhi Bank was
16 permitted to do more than the regulations required if
17 it chose to?

18 MR. CURRAN: Objection as to form, overbroad.

19 You may answer.

20 BY THE WITNESS:

21 A. I understand your question that, was
22 anybody, which you mean the regulator, has asked
23 Al Rajhi itself in particular as an exception to do
24 more than other banks?

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1 BY MR. CARTER:

2 Q. No. I'm saying wasn't Al Rajhi free to
3 implement anti-money laundering controls that went
4 beyond the -- the mere requirements of the SAMA
5 regulations?

6 MR. CURRAN: Same objection.

7 You may answer.

8 BY THE WITNESS:

9 A. Any bank -- any bank -- I mean, SAMA --
10 even SAMA encourages that if you find new tools to
11 combat anti-money laundering, do it like this, so.
12 And not only Al Rajhi, I mean, any bank. But the
13 minimum things, they require -- the regu- -- the
14 regulations are -- these are the minimum, but if they
15 want to do extra, fine.

16 BY MR. CARTER:

17 Q. During this period, were you familiar with
18 Al Rajhi Bank's scope of operations?

19 MR. CURRAN: Object as to form.

20 You may answer.

21 BY THE WITNESS:

22 A. It's a bank.

23 BY MR. CARTER:

24 Q. Were you familiar with how large of a bank

1 it was?

2 A. Well, it was a large bank. It was -- it
3 was the main -- the large -- the largest retail bank
4 in The Kingdom and they just may be in the Middle East
5 maybe.

6 Q. Do you know whether during this period Al
7 Rajhi Bank maintained correspondent relationships with
8 banks outside of the kingdom?

9 A. Which period -- which --

10 MR. CURRAN: Objection; vague.

11 You may answer.

12 BY THE WITNESS:

13 A. Which period do you mean?

14 BY MR. CARTER:

15 Q. Sorry.

16 The period between the beginning of 1998
17 through September 11, 2001.

18 A. Yeah, same thing. I saw that he has a
19 correspondent bank with Chase Manhattan, which
20 indicate to me that he has correspondent banking all
21 over the world, not only...

22 Q. During the time that you were working at
23 Arab National Bank in the same period, 19 --

24 A. Sorry, could you repeat?

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1 Q. When you were working for Arab National
2 Bank in this same time period, 1998 through
3 September 11th, 2001, did Arab National Bank have
4 correspondent banking relationships?

5 A. Yes, all banks have correspondent banking
6 relationships.

7 Q. And so you're familiar with the
8 correspondent banking system?

9 A. Yes, adequately.

10 Q. In -- in a very basic way, can you explain
11 to me what a correspondent bank does?

12 A. A correspondent bank is a -- okay. Let me
13 put it this way. I mean, when you have transactions
14 that is being done -- or to be done abroad, which
15 means money. For example, for LLCs, when you import
16 goods, when you do like this, so they have -- the
17 seller, let's say, in Germany, and the buyer in
18 Saudi Arabia, okay, so the merchandise comes and the
19 money has to be paid.

20 So who is paying the money? For example,
21 the bank opens an account at -- at another bank in
22 Germany or in the US to maintain an account with the
23 balance or with the current facility, and that --
24 instruct that bank to -- to pay to the -- to the

1 seller.

2 This is the same thing for any other
3 transactions, including transfer and things like this.
4 And -- and they're -- and they're being -- being
5 called -- if -- if in Arab National Bank, our -- our
6 account at, for example, Chase Manhattan, we call
7 Nostro account. Chase Manhattan account at Arab
8 National Bank, we call it Vostro account, just to
9 distinguish between the two.

10 So if the Nost -- the correspondent
11 bankings -- banks and accounts, they're being used for
12 banking needs -- for banking needs and transactions
13 since -- since long time, I mean, and the SWIFT is --
14 is a very fast mean for the instructions that you say,
15 pay this, pay that.

16 Q. Given the way that that system works,
17 if -- if a bank in one jurisdiction is allowing its
18 customers to launder money at its bank, the
19 correspondent banking system can then allow illicit
20 funds to travel across border, is that true?

21 MR. CURRAN: Objection as to form.

22 You may answer.

23 BY THE WITNESS:

24 A. I don't know. Can you give me an example,

1 please? I don't understand.

2 BY MR. CARTER:

3 Q. Well, if a bank in one jurisdiction is
4 allowing a drug --

5 A. Let's say a bank in Riyadh, Arab National
6 Bank, okay.

7 Q. Let's just say they're allowing a customer
8 to launder drug proceeds through their bank.

9 A. I mean, all banks, they have to have
10 anti-money laundering measures to combat the drugs
11 and -- and things like this.

12 Q. And so the correspondent bank is relying
13 upon the bank with the customer relationship to carry
14 out those money laundering protocols correctly, right?

15 MR. CURRAN: Objection as to form.

16 You may answer.

17 BY THE WITNESS:

18 A. What transaction you are talking? Are you
19 talking transfers or you are talking, what?

20 BY MR. CARTER:

21 Q. I'm talking about -- a transfer is a -- is
22 a fine example. The correspondent bank that is
23 carrying out the transfer for the originating bank is
24 relying upon that originating bank to conduct the due

1 diligence and anti-money laundering with regard to its
2 customer's account.

3 MR. CURRAN: Objection as to form, overbroad.

4 You may answer.

5 BY THE WITNESS:

6 A. I don't know about other jurisdictions,
7 but should I assume that the transfer is from a Saudi
8 bank to international bank? Is this what you're
9 referring?

10 BY MR. CARTER:

11 Q. Sure.

12 A. Well, I guess -- I guess both -- both
13 banks have to do their due diligence.

14 Q. Well, does the correspondent bank have
15 access to the information to do all of the Know Your
16 Customer inquiry with regard to the customer at the
17 Saudi bank where the transaction is originating?

18 MR. CURRAN: Objection; overbroad.

19 You may answer.

20 BY THE WITNESS:

21 A. I cannot speculate, cannot speculate, but
22 I hear at that time that -- I don't know if it was the
23 regulator, or was it, like, the Federal Reserve or
24 something, or a long time ago that when -- when a

1 transfer done with certain threshold, they have to
2 have -- they don't pass it until they have minimum
3 information about things.

4 So this what made me feel -- or, I mean,
5 my opinion that whenever it is the circumstances,
6 both -- both parties, they -- they must do their --
7 their job. I mean, they have to do the -- the best
8 that they can.

9 BY MR. CARTER:

10 Q. In -- in -- in your experience during the
11 '98 through 2001 time period at Arab National Bank,
12 when Arab National Bank was establishing a
13 correspondent relationship, did that correspondent
14 bank seek assurances that Arab National Bank had
15 effective anti-money laundering protocols in place?

16 MR. CURRAN: Object as to form.

17 You may answer.

18 BY THE WITNESS:

19 A. I don't really recall because this was not
20 my department. I don't recall whatever we have done
21 in the department, but they -- I cannot speculate.

22 BY MR. CARTER:

23 Q. On Page 3 of your report, you include a
24 statement that Saudi banks cannot operate within a

1 weak or nonexistent regulatory system and that they
2 were routinely audited.

3 Do you see that?

4 MR. CURRAN: Where is that, Mr. Carter, on the
5 document?

6 MR. CARTER: It's on Page 3. Give me one
7 second.

8 MR. CURRAN: Okay. It looks like it might be on
9 the screen now.

10 MR. CARTER: Yeah, sorry.

11 BY THE WITNESS:

12 A. Yes, sir, I can see it.

13 BY MR. CARTER:

14 Q. Okay. And during the -- the period you're
15 discussing in this section of the report, you were
16 working within that Saudi banking system yourself,
17 right?

18 A. During that period? Yes, I was. I was at
19 Arab National Bank.

20 Q. And subsequent to your period at -- in
21 Arab National Bank, you went to work within a
22 component of the government within the Saudi banking
23 regulatory structure, correct?

24 A. What's that?

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1 Q. You went to work for the -- the Capital
2 Market Authority, which was part of the government,
3 right?

4 A. SAMA is part of the government and Capital
5 Market Authority is also part of the government, and
6 many other authorities are part of the government.

7 What's the question about?

8 Q. So -- so you -- you were part of this
9 system essentially from 1993 through 2015, right?

10 MR. CURRAN: Objection as to form.

11 You may answer.

12 BY THE WITNESS:

13 A. Yeah, in -- in the enforcement division in
14 the Capital Market Authority, yes. It's the same
15 because the regulations and the capital market law and
16 it's associated -- the regulations associated --
17 derived from the law, so my work, my scope of work was
18 mainly focusing on the capital market law, and...

19 BY MR. CARTER:

20 Q. And on Page 4, you cite as evidence of the
21 adequacy of the regulatory system at the time the 1995
22 guidelines issued by SAMA for the Prevention and
23 Control of Money Laundering Activities, correct?

24 A. Yes, one of them, yes.

1 Q. Would you agree with me that guidelines of
2 that nature suffice only if they are properly
3 implemented?

4 MR. CURRAN: Sorry, what was your last word,
5 Mr. Carter?

6 MR. CARTER: "Implemented."

7 BY THE WITNESS:

8 A. Can you repeat the question?

9 BY MR. CARTER:

10 Q. The guidelines, like the 1995 guidelines
11 issued by SAMA, are effective only if people follow
12 them and they're enforced, right?

13 MR. CURRAN: Objection as to form.

14 You may answer.

15 BY THE WITNESS:

16 A. Well, it depends on circumstances. I
17 mean, if it's something major, I would agree, but if
18 it's something minor, it doesn't change the -- the
19 substance.

20 MR. CARTER: If we can, just look briefly at the
21 document at Tab 24.

22 (WHEREUPON, a certain document was

23 marked Fawzi Al-Hobayb Deposition

24 Exhibit No. 7, for identification, as

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1 of 02/09/2024.)

2 MR. CURRAN: The witness has the first page in
3 front of him.

4 MR. CARTER: And, unfortunately, if you'll just
5 give me a second, it seems to be a -- actually
6 misfiled by me.

7 If we can just go to Page 116 of that
8 document.

9 BY MR. CARTER:

10 Q. Let me ask first, Mr. Hobayb, are you
11 familiar with the document we've marked, it's the -- a
12 Staff Monograph on Terrorist Financing that was
13 prepared by 9/11 Commission staff members?

14 A. Yeah, I think I came across some part of
15 this document during my review, and -- and I think --
16 I think I have indicated somewhere in my report, if
17 you can help me with, to -- to some -- to the
18 Monograph of Terrorist Financing, something like that,
19 yeah.

20 Q. I understand from your report that in the
21 period after the September 11th attacks, you were part
22 of a self-supervisory committee established among
23 Saudi banks in response to the terrorist attacks?

24 A. Yes, sir.

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1 Q. In connection with that role, did you have
2 any direct dealings with US officials relating to
3 terrorist financing issues in the wake of the
4 September 11th attacks?

5 A. No, sir.

6 Q. Did you have any dealings with US
7 officials concerning terrorist financing issues in
8 your work for the Saudi government after you left Arab
9 National Bank?

10 A. For which government?

11 Q. The Saudi government.

12 A. I do not work for the Saudi government
13 except for the Capital Market Authority.

14 Q. I'm sorry. I thought you had said that
15 the Capital Market Authority was part of the Saudi
16 government?

17 A. Yes, it is -- it was. Yes, it is. It was
18 and it is.

19 Q. So in your role at the Capital Market
20 Authority, did you have any dealings with US officials
21 on counterterrorism financing issues?

22 A. No, for that, no.

23 Q. Turning back to the document, and first
24 we'll go to Page 115, and just to highlight this, this

1 is a section of the report addressing circumstances
2 before 9/11.

3 Do you see that?

4 A. Yes, I can see that.

5 Q. And then turning to Page 116, there is a
6 statement at the top of the page indicating that:

7 "The Saudis took little initiative with
8 respect to their charities. They did not make tough
9 decisions or undertake difficult investigations of
10 Saudi institutions to ensure that they were not being
11 used by terrorists and their supporters. Although the
12 Saudis did institute 'Guidelines for Preventing Money
13 Laundering' in 1995 and 'Regulations on Charitable
14 Organizations and Institutions' in 1990, these were
15 very loose rules whose enforcement was doubtful."

16 Do you see that?

17 A. I can see that.

18 Q. Were you aware that 9/11 Commission staff
19 had reached an assessment that the Guidelines for
20 Preventing Money Laundering were very loose rules
21 whose enforcement was doubtful?

22 MR. CURRAN: Objection as to form.

23 You may answer.

24 BY THE WITNESS:

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1 A. I -- I really cannot -- I cannot comment
2 on it. I mean, I don't know what -- you know, what --
3 what basis they -- what -- what work they did for --
4 for -- to reach that conclusion and on what basis. I
5 really cannot comment. I comment on my -- on my
6 opinions own.

7 BY MR. CARTER:

8 Q. But were you aware that the US Government
9 was engaged in significant dialogue with the Saudi
10 government after 9/11 about terrorism financing
11 issues?

12 A. Yes, I am. Yes, everybody knows that.

13 Q. And do you know whether that dialogue
14 included discussions about the sufficiency of
15 Saudi Arabia's regulatory oversight of money
16 laundering practices at Saudi banks?

17 A. I don't recall. It's been a long time
18 now. It's been 20 years. I mean, I don't remember
19 details on things. I remember that there was
20 dialogue, and we -- we create the -- the SSC, the
21 Self-Supervisory Committee, was created surely because
22 of the dialogue -- the dialogue between the Saudi and
23 the American and US government to combat terrorists
24 and to identify persons, suspected persons.

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1 So there was that, but to what extent the
2 dialogue was, I didn't really know.

3 Q. Do you recall whether in the -- in the
4 period after 9/11, say, through 2004 SAMA implemented
5 additional training programs for Saudi banks on money
6 laundering issues?

7 A. Well, I left -- I left banking in
8 September of 2002, so I -- and during that period, I
9 don't recall what -- what happened, but after 2002 I
10 don't really -- I'm not part of the system. I cannot
11 confirm either/or.

12 Q. Do you disagree with this assessment that
13 the Guidelines for Preventing Money Laundering that
14 issued in 1995 were very loose rules whose enforcement
15 was doubtful?

16 A. Money laundering, if -- what do they mean
17 by "money laundering"? If they mean the -- the -- for
18 combating terrorist act -- terrorist activities, then
19 I -- that money laundering before, pre-9/11, was --
20 was meant for the source of funds, which mainly the --
21 the drugs.

22 So if they mean that -- I don't know if
23 they mean, what's the meaning of the yellow
24 highlighted portion here of the -- if they mean it was

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1 not for terrorist -- for terrorist attack, I mean,
2 every -- I mean, no -- even FATF itself did not cover
3 the terrorism financing pre-9/11.

4 Q. Mr. Hobayb, I believe we -- we just
5 discussed that your report cites the 1995 guidelines
6 issued by SAMA as evidence of the adequacy of the
7 Saudi anti-money laundering regime in the period
8 before 9 -- September 11, 2001, correct?

9 A. Come again, please, because I wasn't
10 looking at the paragraph.

11 Q. I think -- I think we just discussed, and
12 that you agreed, that your report on Page 4 cites the
13 SAMA Guidelines for Preventing Money Laundering that
14 issued in 1995 as evidence of the sufficiency of the
15 Saudi anti-money laundering regime in the period
16 before the September 11 attacks, correct?

17 A. Yes, sir.

18 Q. This document is referring -- this
19 assessment of the 9/11 Commission Staff Monograph is
20 referring specifically to the Guidelines for
21 Preventing Money Laundering that issued in 1995.
22 That's the same document that you reference in your
23 report, is it not?

24 A. I -- I can assume that.

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1 Q. Okay. And do you disagree with the 9/11
2 Commission staff's assessment that the 1995 Guidelines
3 for Preventing Money Laundering that you cite in your
4 report were very loose rules whose enforcement was
5 doubtful?

6 MR. CURRAN: Objection as to form.

7 You may answer.

8 BY THE WITNESS:

9 A. I really cannot comment. I really can't,
10 because I don't know in what basis, what's the context
11 that they mean. It is only five lines here. I mean,
12 I -- I cannot comment.

13 BY MR. CARTER:

14 Q. On Page 5 of your report, you discuss a
15 range of tools that were available to SAMA prior to
16 9/11 to exercise its regulatory authority, correct?

17 A. Yes, sir.

18 Q. And you indicate that those included
19 "self-reporting." Do I understand that to mean
20 self-reporting by the banks to SAMA?

21 A. Yes, included self-reporting, yeah, yes.

22 Q. Then you refer to "document collection."
23 Do you mean collection of documents by SAMA from banks
24 in The Kingdom?

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1 A. By SAMA from the banks, yes.

2 Q. "Special inspections into topics under
3 SAMA's authorities," are you referring to SAMA's
4 authority to conduct special inspections of banks in
5 The Kingdom into topics within SAMA's scope of
6 authority?

7 A. Yes, sir.

8 Q. You refer next to "full-fledged
9 inspections." I understand that to mean full-fledged
10 inspections by SAMA of Saudi banks?

11 A. Yes, sir.

12 Q. And then you refer to inspections of
13 individual -- "individuals or accounts, the purpose of
14 which were not disclosed to the bank."

15 Do I understand that SAMA had the ability
16 to demand an inspection of an individual customer or
17 account at a bank without telling the bank why it was
18 doing that?

19 A. Yes, sir.

20 Q. And then you referred to the fact that
21 SAMA had the ability to conduct surprise inspections,
22 right?

23 A. Yes, sir.

24 Q. And then it also had discretion, you say,

1 to conduct full-fledged examinations, correct?

2 A. Yes, sir.

3 Q. And you say:

4 "To my knowledge and based on my
5 experience, all Saudi banks have been subject to all
6 the aforementioned tools, including a full-fledged
7 examination by SAMA, at some point."

8 Correct?

9 A. Correct, sir.

10 Q. Did you review any documents reflecting
11 that those things actually happened with regard to
12 Al Rajhi Bank in the period before 9/11?

13 MR. CURRAN: Objection as to form.

14 You may answer.

15 BY THE WITNESS:

16 A. I did not -- I did not even thought that I
17 would ask for them, because they are -- they are
18 facts. They are facts. All banks -- I was in the
19 bank for more than nine years, and all banks were
20 subject to -- somehow or another to one or more or all
21 of these -- of these measures.

22 BY MR. CARTER:

23 Q. It is -- it is your opinion, as I
24 understand it, that these -- the implementation of

1 these measures is evidence that Al Rajhi Bank was
2 complying with its money laundering obligations,
3 correct?

4 A. Many --

5 MR. CURRAN: Objection as to form.

6 You may answer.

7 BY THE WITNESS:

8 A. Many, many tools -- many tools, even
9 internal system of the bank also is one of the tools
10 to make sure that Al Rajhi was complying, up to the
11 shareholders and the general assembly. So all -- many
12 tools, external and internal tools.

13 BY MR. CARTER:

14 Q. But did you ask -- did you ask your
15 client, Al Rajhi Bank, to provide you with copies of
16 documents showing that any of these things actually
17 happened so that you would have an assurance and
18 additional basis for your opinions?

19 MR. CURRAN: Objection as to form.

20 You may answer.

21 BY THE WITNESS:

22 A. I did not -- I did not think that was
23 necessary because my experience in the field for many
24 years is a -- no, I didn't see them necessary because

1 I'm sure that it was.

2 BY MR. CARTER:

3 Q. Well, the purpose of the inspections,
4 among other things, would be to identify problems at a
5 Saudi bank, correct?

6 A. To make sure that they're complying or
7 whatever the objective of the exercise. It depends.

8 Q. And so the -- the process implemented by
9 SAMA would potentially identify failures in compliance
10 and problems at the bank, right?

11 A. It depends on the circumstances. It
12 depends on the object -- the goal of the -- of the
13 visits or the action by SAMA. Maybe just -- they just
14 want conformation, so it's not about -- confirmation
15 about some -- some bank accounts. I don't know. I
16 mean, it depends on the objective of the visit or of
17 the action. If it's compliance, then it's a
18 compliance. If it's for other purposes, then it's for
19 other purposes.

20 So they do -- do many, many -- like, for
21 the collection of the -- the self-reporting, I mean,
22 the banks are -- are required to submit their
23 financial statements, something like that, on a
24 monthly basis to SAMA, to the Central Bank,

1 Q. Well --

2 A. That -- that's not -- yeah, that's not --

3 Q. -- the -- the submitting of financial
4 statements to SAMA would not yield any information
5 about whether or not the bank is complying with Know
6 Your Customer or money laundering obligations, would
7 it?

8 MR. CURRAN: Objection as to form.

9 You may answer.

10 BY THE WITNESS:

11 A. I gave you an example of -- of other
12 things because you are -- as you are say -- as you
13 under -- you understand that all of these actions,
14 only for one purpose which is compliance. Many of
15 them for compliance, of course.

16 But I just want to explain to you -- to
17 you that -- and even the self -- even the financial
18 statements for -- for a compliance and somehow, like
19 their liquidity, like their concentrations,
20 like what -- I mean, SAMA is the Central Bank.
21 Central Bank is -- have wide oversight, scope on
22 financial system.

23 BY MR. CARTER:

24 Q. You would agree that the Winer report that

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1 you are responding to is focused significantly on the
2 adequacy of Al Rajhi Bank's Know Your Customer and
3 anti-money laundering practices with regard to
4 particular accounts and customers that are at issue in
5 this litigation, correct?

6 A. Well, Winer -- Winer's report is very
7 lengthy and talking about many things. I just -- I
8 tried to identify the things that -- of my specialty
9 of my expertise, including what you have just
10 mentioned, and they -- and this is my report. I
11 included whatever in my report, and this is my report.

12 Q. But Mr. -- Mr. Winer's report doesn't
13 address the adequacy of Al Rajhi Bank's liquidity in
14 the period of -- before September 11, does it?

15 MR. CURRAN: Objection as to form.

16 You may answer.

17 BY THE WITNESS:

18 A. Through the -- the -- my reading, I didn't
19 come across that, no.

20 BY MR. CARTER:

21 Q. So focusing specifically on anti-money
22 laundering and Know Your Customer practices at
23 Al Rajhi Bank, did you require --

24 A. Sorry?

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1 Q. Focusing specifically on anti-money
2 laundering and Know Your Customer protocols at
3 Al Rajhi Bank during the period from 1998 through
4 2001, did you request information from the bank
5 concerning any exercise of the tools you've identified
6 that -- that concerned money laundering and Know Your
7 Customer specifically?

8 MR. CURRAN: Objection as to form, asked and
9 answered.

10 You may answer.

11 BY THE WITNESS:

12 A. See, this report -- my scope in this
13 report was -- is to report what Kohlmann and Winer --
14 and Winer's report, okay. So this is the starting
15 point, okay.

16 I did not ask for that because I did not
17 see them necessary, knowing from my experience that
18 the anti-money laundering pre-9/11 was focusing only
19 on source of funds and mainly activities associated
20 with drugs. I'm here to assess through my
21 experience -- and also, again, my scope is not a
22 forensic job to just go endless in digging all -- all
23 day, but I see the fundamentals, whether they exist
24 and functioning as -- as designed.

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1 So this is my -- there has to be a --
2 there has to -- you have to reach a conclusion at a
3 certain point of time. That's why my -- in my
4 experience, I found what they have mentioned in some
5 parts of my report about the corporate governance of
6 the -- of Al Rajhi, through what I saw from the
7 documents that are -- that is appropriate.

8 BY MR. CARTER:

9 Q. Mr. Hobayb, the full-fledged examination
10 by SAMA that you referenced in this section of your
11 report, is that a -- a significant undertaking?

12 A. Yes. It's a -- it's a huge -- huge scope.

13 Q. And is -- does it typically result in the
14 production of some report?

15 A. Yes.

16 Q. Is that -- is that report shared with the
17 bank that's the subject of the full-fledged
18 examination?

19 MR. CURRAN: Objection as to form.

20 You may answer.

21 BY THE WITNESS:

22 A. I would -- I would presume, though this is
23 right now 20 years ago, more than 20 years ago --

24 BY MR. CARTER:

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1 Q. I believe --

2 A. But originally, yes, to --

3 Q. I believe -- well, 20 years ago you were
4 at Arab National Bank, right?

5 A. In 19 -- 2002 -- what, what are we now?

6 Q. More than 20 -- I'm sorry.

7 In 1998 to 2001, you were at Arab National
8 Bank, right?

9 A. Yeah, 1997 to 2002, at Arab National Bank.

10 Q. Did SAMA conduct a full-fledged
11 examination of Arab National Bank between --

12 A. Yes, in 1997.

13 Q. -- between 1997 and September 11, 2001?

14 A. Yes, in 1997, I remember.

15 Q. And did --

16 A. Sorry, I was with the bank from '93 to
17 2002.

18 Q. Was -- was there any additional
19 full-fledged examination between 1997 and 2001?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. I don't recall, but I think -- I remember
24 that was a very major one.

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1 BY MR. CARTER:

2 Q. Did Arab --

3 A. At all banks, all banks were subject to
4 the same thing. This is what I -- from my experience.

5 Q. Did Arab National Bank receive a copy of
6 the results of SAMA's full-fledged investigation that
7 was conducted in 1997?

8 A. I don't really recall exactly, but I would
9 presume something. I mean, things like this, I mean,
10 and other things need to be communicated somehow.

11 Q. I believe you indicate in your report that
12 Al Rajhi Bank's document retention policy reflects the
13 retention of documents indefinitely, correct?

14 A. Yeah, I'm quoting the deposition of -- of
15 Galloway and also -- and also seeing the documents
16 now, that they were, like, what, more than -- more
17 than 20 years old, support also this assumption.

18 Q. And, Mr. Hobayb, doesn't it follow from
19 that, that to the extent there was a full-fledged
20 examination of Al Rajhi Bank between 1998 and 2004,
21 the report of that examination should still be in
22 Al Rajhi Bank's possession?

23 A. I don't really know if that audit -- that
24 full-fledged audit or examination has ever happened or

1 not. I really can't speculate. I don't know. I
2 cannot answer.

3 Q. On Page 5 of your report, you reference
4 the fact that Saudi banks had an audit committee and
5 two external independent auditors, correct?

6 A. Yes, sir.

7 Q. And you discussed the involvement of
8 external auditors in annually evaluating the internal
9 control systems of the bank, correct?

10 A. Yeah, it's part of the scope. When you --
11 when you audit, the external auditors usually when
12 they -- to arrive at an opinion, they have to have a
13 scope. One of -- part of their scope is to examine
14 the internal control system of a company.

15 Q. Based on your experience as the head of
16 internal auditing at Arab National Bank, would you
17 agree with me that there are many different types of
18 audits?

19 A. By the internal auditor, you mean?

20 Q. Yeah.

21 A. Yeah, we have different type of audits,
22 yes.

23 Q. Different -- they can concern different
24 subject matter, correct?

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1 A. I mean, we cover -- in auditing we
2 cover -- we cover the whole bank in -- with a tenor of
3 time. It depends on the risks and things like this,
4 yeah.

5 Q. During -- during your time at Arab
6 National Bank leading up to September 11th, 2001, was
7 there a process in place at Arab National Bank to
8 conduct specific audits concerning anti-money
9 laundering practices?

10 A. I cannot discuss -- I mean, you're asking
11 me about -- about my ex-em -- ex-employer, I mean.
12 I'm not -- I'm not -- I'm not confirming nor -- nor
13 denying, but you are asking me about my ex-employer.
14 I cannot -- I don't know whether my ethics allow me to
15 do, to discuss that.

16 Q. But you didn't -- you didn't work at
17 Al Rajhi Bank during that time period, correct?

18 A. No, I never worked for Al Rajhi.

19 Q. And your familiarity with what was
20 happening within the Saudi banking sector during that
21 period is based on your experience at Arab National
22 Bank, right?

23 A. Yes, sir, and also as an external auditor
24 before.

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1 Q. And the reason I'm asking you about Arab
2 National Bank is because I understand that to be the
3 foundation of your knowledge about what the practices
4 were during this time period.

5 A. Okay. You can ask my general question,
6 but you do not ask me about my bank. You can just
7 give an example and I can answer it, but I do not know
8 my ethical obligations can allow me to -- to answer
9 either/or. It doesn't mean that it existed or
10 happened --

11 Q. Between --

12 A. -- but I don't know.

13 Q. Between 1998 and 2003, do you know what
14 specific audits were carried out by the internal
15 auditor at Al Rajhi Bank?

16 A. Between '98?

17 Q. 1998 and 2003.

18 A. No, I saw -- I saw the annual plan of, was
19 it 1999 and 2001, two annual audit plans, and it was
20 compre- -- comprehensive, risk-based, and I -- I
21 didn't see any problem in them.

22 Q. But --

23 A. Which are the plan to do the -- the -- the
24 internal audit for the subsequent year. I mean, they

1 planned the audit for whatever year that they're going
2 to -- it's not an ad hoc. I mean, you just wrote --
3 woke in the morning and you say, oh, I will go to that
4 branch. No, it doesn't happen this way.

5 Q. So, so the first step in this is -- is to
6 have an actual plan that defines what you're going to
7 do through your internal auditing process, right?

8 MR. CURRAN: Objection as to form.

9 You may answer.

10 BY THE WITNESS:

11 A. The plan is to -- is to decide to what you
12 are going to do as internal audit tasks for a year.

13 BY MR. CARTER:

14 Q. And then someone actually has to take the
15 steps to carry out the plan, correct?

16 A. Yes, sir.

17 Q. And in carrying out the steps required by
18 the plan, the internal auditor would have to produce
19 documents reflecting its work, right?

20 A. Presumably, yes.

21 Q. Those documents would reflect the scope of
22 the audit, right?

23 A. I didn't -- I cannot speculate. It
24 depends from audit report to the -- to the other, I

1 mean, but -- but definitely they contain the findings
2 or the result of the audit.

3 Q. And they would also contain any
4 limitations that were imposed on the audit?

5 MR. CURRAN: Objection as to form.

6 You may answer.

7 BY THE WITNESS:

8 A. Yes, of course. I mean, if you -- the
9 limitations, they need to be escalated even before or
10 during the audit itself. Or maybe, I mean, the
11 limitations -- see, the internal and external audit
12 are different in -- in something like this, but, yes,
13 the internal auditor, sure. I mean, if there is any
14 scope limitation or -- or documents refused to provide
15 it to them, they should escalate it and say, this is
16 scope limitation.

17 BY MR. CARTER:

18 Q. And to the extent that the internal audit
19 reveals any problems that need to be addressed or
20 should be addressed, that would be reflected in the
21 report, right?

22 A. Yes. For example, let's say material
23 weaknesses in the internal control system, material
24 noncompliance, yeah, things like this. Yeah, it

1 contains lots of things.

2 Q. So the internal audit reports would
3 contain lots of information that would be relevant in
4 assessing the adequacy of the internal controls and
5 any problems, right?

6 MR. CURRAN: Objection as to form, overbroad.

7 You may answer.

8 BY THE WITNESS:

9 A. The -- the internal audit report, minimum
10 contains the results, the results, the findings, what
11 they have -- what -- what did they find, not to be
12 necessarily having many things. May -- maybe the --
13 the department you want to audit is clean, then you
14 come up with a clean report.

15 BY MR. CARTER:

16 Q. And maybe it's not?

17 A. And maybe it's not. It depends. I mean,
18 not all -- well, what I mean is, not all internal
19 audit reports have many, many, many findings. It
20 depends on the results.

21 Q. Given that the results are reflected in
22 the actual audit documents and not in the plan, did
23 you ask for copies of any internal audits that were
24 conducted at Al Rajhi Bank from 1998 through 2003?

1 MR. CURRAN: Objection as to form.

2 BY THE WITNESS:

3 A. I did not see them necessary because I --
4 my job here, my scope is to -- is to assess the -- the
5 internal control system. And even though, even if I
6 ask for -- for the -- for the internal audit reports
7 of an X branch or an X area, whatever, like this, what
8 should I find?

9 If I were to find that this is here
10 noncompliance, please comply, whatever like this, but
11 may be material, may be immaterial, may be lawyers,
12 maybe I ask. This is the -- the -- what I expect
13 to -- to see, and I did not see that very important.

14 What was important to me are the
15 fundamentals of good, appropriate internal control
16 system, like you have audit committee that this is
17 one; do you have the internal audit is independent
18 from the operations or not, this is important to me;
19 the audit committee, the external audit, the general
20 assembly, these are the fundamentals, more -- much
21 more important than seeing an audit report. I did
22 not -- I did not even thought that I -- that I need
23 it. And even if I ask for it, it won't change
24 anything in my report.

1 Q. Okay. So to the extent there -- there is
2 an audit report that -- an internal audit report that
3 reflected material noncompliance at Al Rajhi Bank with
4 the 1995 SAMA Anti-Money Laundering Guidelines, you
5 would not review -- view that report as relevant to
6 your work in this case?

7 MR. CURRAN: Objection as to form.

8 You may answer.

9 BY THE WITNESS:

10 A. Which report you are referring to?

11 BY MR. CARTER:

12 Q. I'm saying, you're saying even -- your
13 testimony a moment ago was that the -- the content of
14 the report, no matter what it found, wouldn't matter
15 to your opinions in this case. That's my
16 understanding. Right?

17 A. Yeah, the audit report. I mean, they --
18 they conduct their -- they plan the audit, they plan
19 the annual plan, then they execute their plan, and
20 then they audit and then they issue their report.
21 This is the cycle.

22 Q. And to the extent they're -- they're --
23 one of the internal audits that was -- that was
24 conducted, if, in fact, it was conducted, had found

1 material noncompliance at Al Rajhi Bank with the 1995
2 SAMA anti-money laundering guidelines, you would not
3 view such a finding as relevant to your work here?

4 MR. CURRAN: Objection as to form.

5 You may answer.

6 BY THE WITNESS:

7 A. I told you before, I told you before. I
8 mean, if you want me to dig for all those reports to
9 ask, to see whether there was a -- I saw nothing --
10 nothing suspect me that the internal audit is not
11 functioning, the anti-money laundering unit is not
12 functioning. I want to assess the internal control
13 system. And my job is to rebut the Winer's and
14 Kohlmann report.

15 BY MR. CARTER:

16 Q. Did you ask whether --

17 A. It's not a forensic -- it's not a forensic
18 job.

19 Q. Did you ask whether there were any
20 internal reports that had identified material
21 noncompliance with anti-money laundering practices?

22 MR. CURRAN: Objection as to form.

23 You may answer.

24 BY THE WITNESS:

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1 A. I reviewed -- I reviewed many documents
2 about Al Rajhi, which I referred to in my report, make
3 me comfortable to judge, to assess the internal
4 control systems surrounding the anti-money laundering
5 side, let me call it. They have their guidelines,
6 anti-money laundering guidelines. It's included in
7 the annual audit plan. So nothing suspect me.

8 And they are document -- I mean,
9 nothing -- nothing suspect me that things are not
10 being done or -- and there was no evidence in the
11 contrary.

12 BY MR. CARTER:

13 Q. In your experience, are there
14 circumstances in which bank employees fail to follow
15 the bank's anti-money laundering requirements?

16 MR. CURRAN: Objection as to form, overbroad.

17 You may answer.

18 BY THE WITNESS:

19 A. Any -- any -- any required policies or
20 procedures, if anybody no -- not -- non-complied with,
21 I mean, but that would be refer -- if it's part of the
22 sample or it's part of his examination, if it's
23 noncompliance, he would raise it, yes, in general, in
24 any bank, in any internal audit, not only...

1 BY MR. CARTER:

2 Q. Did you ask Al Rajhi Bank whether there
3 were any audits conducted in the -- internal audits
4 conducted in the 1998 through 2003 time period
5 concerning anti-money laundering and
6 Know-Your-Customer practices specifically?

7 A. I assume it was done. I mean, no need
8 for -- from my experience, I know what to ask, what
9 not to ask. I mean, I'm not -- really don't know
10 about the subject. No. I don't -- I didn't need
11 that. I don't need -- I cannot assume it was not
12 done. I mean, that -- meaning that if I didn't see
13 the internal audit reports, it means the audit -- the
14 audit department is -- doesn't exist or is not
15 working.

16 I cannot assume that. I mean, I assume
17 the norm. The norm are that everything is
18 functioning. And all the tools to make sure that
19 everything is functioning, I have seen. I have seen
20 the external audit, I have seen the audit committee,
21 everything, I mean.

22 And I was in the banking -- I was in the
23 banking sector. I mean, even from my personal
24 perspective, we meet in conferences, banks, I mean,

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1 bank -- banking-related -- related subjects at
2 conferences. And I've seen bank colleagues from
3 different banks and internal audits, including
4 Al Rajhi.

5 Q. And in that experience, you've reviewed
6 internal audit reports of banks, right?

7 A. Did I what?

8 Q. In that experience that you just
9 described, you've had occasion to review internal
10 audit reports of banks, right?

11 A. I didn't say that. Did I see -- I see in
12 my -- during my work at Arab National Bank?

13 Q. Yeah.

14 A. That's confidential. You cannot see other
15 banks' documents.

16 Q. No, I'm not saying Al Rajhi Bank. I'm
17 saying that in your experience, have you had occasion
18 to review internal audits that were conducted of a
19 bank?

20 A. I don't understand your question. Your
21 question is very broad. "Of a bank," what do you mean
22 by "a bank"?

23 Q. When -- when you were at Arab National
24 Bank, did you have occasion to review internal audits

1 that were conducted at the bank?

2 A. I was head of the internal -- I was the
3 one who was issuing the internal audit reports.

4 Q. And --

5 A. I was the one who -- who signed the
6 internal audit reports.

7 Q. And did you ever review reports that
8 reflected a finding of material noncompliance with
9 regard to a matter within the scope of the audit?

10 MR. CURRAN: Objection as to the form.

11 BY THE WITNESS:

12 A. Yeah, okay. There is -- when you say
13 "material noncompliance," you have to say it in a
14 context, okay. When we go to an area, and let's say
15 we find many findings of noncompliance, we have to
16 classify them, either low -- in materiality, either
17 low, medium, high, or significant, okay.

18 To that context of that exact department
19 processes and scope, we can classify within that one,
20 based on implications and whatever. But, if I take
21 this, let's say, material noncompliance for that
22 particular area, I cannot take this out of context,
23 and I will say, well, see, there -- there is a
24 material -- material noncompliance as bank -- in the

1 bank as a whole.

2 So they're two different -- two different
3 things here. Did you get my point?

4 But, yes, during audits, we issue
5 material, but material not in that -- in bank-wide
6 context, no. Material to that specific process or...

7 Q. And the reason you reviewed the -- the
8 internal audit documents when you were at Arab
9 National Bank is because the findings actually
10 mattered, right?

11 MR. CURRAN: Objection as to form, lack of
12 foundation.

13 You may answer.

14 BY THE WITNESS:

15 A. It's the supervision of the department. I
16 have staff. It is not only just for the -- this is
17 one -- or part of them, part of them. But I assure
18 that the scope is complete, supervision of the whole
19 unit, of everything, including what -- what you said.

20 BY MR. CARTER:

21 Q. Am I correct that you did not review any
22 audit report concerning Al Rajhi Bank for purposes of
23 your expert report?

24 MR. CURRAN: Objection as to form.

1 You may answer.

2 BY THE WITNESS:

3 A. I did not see -- I did not see it
4 necessary to form my opinion. The documents I -- I
5 reviewed -- I reviewed were -- were adequate for me to
6 be confident to issue the opinions I have included in
7 my report.

8 MR. CURRAN: All right. Mr. Carter, I need a
9 break.

10 MR. CARTER: Okay. How long do you need, Chris?

11 MR. CURRAN: Just ten.

12 MR. CARTER: Okay. Sure.

13 THE VIDEOGRAPHER: All right. We are going to
14 go off the record at 4:02 p.m.

15 (WHEREUPON, a recess was had
16 from 4:02 to 4:14 p.m.)

17 THE VIDEOGRAPHER: We are back on the record at
18 4:14 p.m.

19 BY MR. CARTER:

20 Q. Mr. Hobayb, before we took our break, we
21 had discussed briefly the types of findings that might
22 be included in an audit report, and you had explained
23 to me that there can be varying degrees of
24 noncompliance identified from very low level

1 noncompliance to significant, correct?

2 A. Yes, generally, yes.

3 Q. And so the only way to know what type of
4 noncompliance may have been discovered in an audit
5 would be through the audit report itself, right?

6 A. Yes.

7 Q. And, again, in connection with your work
8 for Al Rajhi Bank in this matter, you did not request
9 that the bank provide you with copies of any audit
10 reports, right?

11 A. I did not see them necessary because my --
12 my scope is to rebut findings about when they claim
13 that the bank did not have something like that that
14 did not have -- or lose control, whatever the --
15 whatever they have named it.

16 But this, my -- so what's important to me
17 is to see the fundamentals and the -- and the system
18 and the tools in the system that's -- that makes it
19 running.

20 Q. The -- the Winer report includes
21 discussion of a number of particular account holders
22 and their accounts, including accounts Al Rajhi Bank
23 held for Al-Haramain Islamic Foundation and IIRO,
24 correct?

1 A. Yes.

2 Q. It also includes a discussion of accounts
3 Al Rajhi Bank held for a charity official, Aqil
4 al-Aqil, who after 9/11 was designated by the United
5 States as a terrorist supporter, correct?

6 MR. CURRAN: Objection as to form.

7 You may answer.

8 BY THE WITNESS:

9 A. Yes, Winer discusses Aqil al-Aqil accounts
10 with Al Rajhi.

11 BY MR. CARTER:

12 Q. He also discussion -- discusses accounts
13 for an individual named Soliman Al-Buthe, correct?

14 A. I don't really recall exact name -- all of
15 the names out of my head. If you can refer me to
16 whatever I can.

17 Q. Did -- did you asked Al Rajhi Bank whether
18 there were any audits that reviewed accounts
19 associated with those particular clients?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. Again, let me just give you an example, I
24 mean, about audit, about, for example, al -- Aqil

1 al-Aqil that in the context of related -- relating him
2 to anti-money laundering, if that is where you -- what
3 do you mean by your question, I did not -- I did not
4 see any necessary.

5 Because all of the focus at that time was
6 for the source of money, and the source of money for a
7 person like Aqil al-Aqil -- Aqil al-Aqil who was head
8 of -- executive of -- of Al-Haramain charity, he -- at
9 that time he was highly regarded in the society.

10 So, relate -- relating him to, like,
11 drugs, because it was the concept at that time
12 pre-9/11, globally, I guess, even FATF mentioned it
13 expressly that it's about drugs and things like that.
14 And so I wouldn't expect that any -- that you suspect
15 that the source of the money for coming -- because,
16 again, the anti-money laundering at that time,
17 pre-9/11, was focusing on the source of the money.

18 BY MR. CARTER:

19 Q. Putting -- putting all of that aside,
20 Mr. Hobayb, I think you testified earlier that SAMA
21 had the capacity to conduct investigations of
22 particular accounts or account holders, right?

23 A. Yes, sir.

24 Q. And that can happen for any number of

1 reasons, right?

2 A. Yeah.

3 Q. And the bank itself could decide to
4 conduct an inquiry as to one of its account holders or
5 accounts, correct?

6 A. Maybe. The bank can do -- they have
7 their -- their -- they have their records. I mean,
8 they can do anything.

9 Q. Did you ask whether or not there was any
10 audit or inquiry conducted between 1998 and
11 September 11, 2001, of any accounts associated with
12 Al-Haramain?

13 A. I did not see it. I did not see it
14 necessary to -- to ask for it because there is no
15 evidence that the bank knew that al-Aqil, or any other
16 person, many of the persons it mentioned in the -- the
17 subject here that were associated with drugs for them
18 to suspect that they would go and -- and undertake
19 inquiries or a study of any certain bank account.

20 But, again, any bank, any bank, they have
21 their records, and they can just review whatever they
22 want for whatever reason, even business reason.

23 Q. And so you also did not ask whether or not
24 there had been any audit or inquiry conducted as to

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1 the IIRO or any of its accounts between 1998 and
2 September 11, 2001, correct?

3 A. I wouldn't assume that there was -- I
4 mean, I cannot -- I mean, how the bank -- a bank,
5 even, for example, when you ask about any other bank,
6 I mean, it was not in the radar that charities at that
7 time -- by the way, charities at that time, pre-9/11,
8 the classification, in my opinion, in my strong
9 opinion, it was low risk because it's taking money
10 from donors and giving it to the poor people.

11 Q. Mr. Hobayb, you've given me a number of
12 long answers. I'm just trying to establish whether or
13 not you asked your client, Al Rajhi Bank --

14 A. I give you --

15 Q. -- whether -- whether there was any audit
16 or inquiry conducted as to the -- the charities that
17 were the subject of discovery, Al-Haramain and IIRO,
18 between 1998 and 2000 -- September 11, 2001.

19 Did you -- did you ask whether that
20 happened?

21 A. I --

22 MR. CURRAN: No. Hold on, hold on.

23 Objection.

24 Mr. Carter, you definitely interrupted the

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1 witness in his prior answer. He didn't get to
2 complete it, notwithstanding his oath earlier that
3 he'd tell the whole truth, and your frequent
4 admonitions to witnesses to -- as to their obligation
5 to tell the full accounting of facts, so I object to
6 that interruption.

7 You can answer.

8 MR. CARTER: Okay. Let me give a new
9 instruction, Mr. Curran.

10 BY MR. CARTER:

11 Q. Mr. Hobayb, when I -- when I ask you a
12 question, I would like you to answer that question in
13 the first instance, and if you feel that there's
14 elaboration, go ahead and give that elaboration after
15 you've answered my question.

16 MR. CURRAN: Okay. I object to that purported
17 instruction.

18 Come on, Mr. Carter, you know you're not
19 in a position to give instructions to the witness. If
20 you've a got a question, ask it.

21 MR. CARTER: I have asked it, Chris, and he --

22 BY MR. CARTER:

23 Q. The question is: Did you in connection
24 with your work for Al Rajhi Bank in this matter ask

1 whether or not any inquiry or audit was conducted as
2 to the IIRO or its accounts between 1998 and
3 September 11, 2001?

4 A. My answer is, I did not see it necessary
5 for me to ask for that thing, especially that it was
6 not claimed that any instructions came to the bank.
7 If it was alleged and there was evidence, enough
8 evidence that the bank was asked to, whatever you call
9 it, examine or scrutinize or whatever, any account and
10 they did not comply, then that's -- that's a different
11 scope.

12 My scope is to rebut the reports. I'm not
13 a forensic -- it is not a forensics job, again.

14 BY MR. CARTER:

15 Q. So that answer -- the answer you just gave
16 would apply to the other account holders that were
17 subject of discovery as well, right, Al-Haramain --

18 A. You -- you just give me whatever -- not in
19 general, just give me names and I can -- I can answer
20 you. Not in general can I answer.

21 Q. Did -- did you ask whether or not there
22 was any audit or inquiry conducted with regard to
23 Al-Haramain or any of its accounts?

24 A. I did not see it necessary for me to take

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1 into consideration my scope, my assignment to rebut
2 the Winer's and Kohlmann report based on my
3 experience. I did my best in my report. I did not
4 only just -- I proved in my report that the regulatory
5 landscape, I -- I went the extra mile to see that the
6 bank's internal control system, main elements,
7 corporate governors and the audit committee, internal
8 audit, anti-money laundering, the guidelines, to help
9 the reader of the report.

10 What you are asking me is just like a
11 forensic, part of a forensic job, which is not mine.

12 Q. Mr. Hobayb, I'm just trying to understand
13 what you did and did not do.

14 Now, did you inquire as to whether or not
15 any transactions carried out through Al-Haramain
16 accounts at Al Rajhi Bank had been flagged as
17 suspicious?

18 A. I saw some of Al-Haramain bank accounts
19 and transactions. I saw also bank accounts of Aqil
20 al-Aqil and some transactions also, and take into
21 consideration that the AML, pre-9/11, was mainly
22 focusing on the source of funds and mainly on drug
23 trafficking or drug -- drugs, illegal activities in
24 general.

1 And you -- you want to presume a bank
2 would scrutinize this because of drugs? I mean, who
3 can appear as -- assume that thing. So I did not ask
4 for it because I did not see it necessary.

5 Q. You're aware that during this time period,
6 there was -- there were mechanisms or protocols in
7 place for reporting suspicious activity, correct?

8 A. When you say that time period, I
9 appreciate if you just repeat whatever time period you
10 mean.

11 Q. Yeah. You agree that under the 1995 SAMA
12 Guidelines, there were protocols in place between 1998
13 and September 11, 2001, for reporting suspicious
14 activity at banks, correct?

15 A. I mean, all banks since -- they have to
16 report suspected anti -- anti-money -- money
17 laundering transactions. If they suspect any
18 customer, they should report it to the -- to the
19 authorities and they should investigate it and report
20 it.

21 Q. Am I correct -- am I correct that one way
22 a suspicious activity report could have been generated
23 during this time period, and I'm talking about 1998
24 through September 11th, 2001, would be as a result of

1 an employee at the bank identifying a transaction as
2 suspicious?

3 A. Yeah, an employee at the bank may identify
4 a transaction as a -- as a suspicion. You report it
5 to the related anti-money laundering unit, and they
6 investigate and they take action.

7 Q. And during this time period, did the SAMA
8 Guidelines also require banks to use specialized
9 software to detect suspicious transactions?

10 A. Yeah, they encouraged -- they encouraged
11 the banks to do so. Of course, you appreciate that
12 the technology at that time is not like the technology
13 now. So, yes, but --

14 Q. Do you know -- do you know whether or not
15 Al Rajhi Bank had such software in place during the
16 period 1998 through September 11, 2001?

17 A. I saw a document about the anti-money
18 laundering mentioning software like that, but even
19 without the software, I mean, you can identify, for
20 example, in the system itself the amount, big amounts,
21 and there are different means.

22 But I read -- yes, I read -- I read in one
23 of the documents that they are going to use that
24 software that was available to them at that time,

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1 something like that.

2 Q. With regard to the account holders at
3 issue in this case, and in particular Al-Haramain,
4 IIRO, Aqil al-Aqil, Soliman Al-Buthe, did you ask the
5 bank whether there were any suspicious activity
6 reports issued with respect to their accounts?

7 A. I did not see -- I did not see any,
8 because who -- who can assume that those -- those
9 people are associated with drugs. The whole -- the
10 whole concept at that time was always about drugs. I
11 cannot imagine a scenario that you can -- at -- in
12 1995 -- '8 or 1999 that you can suspect, you can say
13 that, oh, charity, yeah, this is associated with
14 drugs.

15 I mean, you have to have evidence. I
16 mean, the bank is not an intelligence agency. I mean,
17 it's a -- the bank.

18 BY MR. CARTER:

19 Q. Is it your testimony that the anti-money
20 laundering regime that was in place -- strike that.
21 Let me start over.

22 Is it your testimony that the anti-money
23 laundering international best practices in place
24 during the period 1998 through 2001 was limited solely

1 to drug trafficking?

2 MR. CURRAN: Objection as to form.

3 You may answer.

4 BY THE WITNESS:

5 A. No, but the AML talk about illegal
6 activities. I'm sure it was talking about the source
7 of funds. It did not say about the disbursement of
8 funds. Sure, this is one thing.

9 Second, it talks about illegal activities,
10 but the concentration, the concept and the
11 understanding, the understanding globally, even the
12 FATF itself, I remember reading, like, the -- after
13 talking about the -- the drug smuggling and sometimes
14 and the cover that they used.

15 BY MR. CARTER:

16 Q. Is it -- is it your testimony that
17 Al Rajhi Bank had no obligation during the period 1998
18 to September 11, 2001, to prevent its accounts from
19 being used to finance terrorism?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. No. No bank -- no bank wants to accept or
24 wants to pass any illegal activity whatsoever. What

1 I'm saying is that terrorism financing was not on the
2 radar, was not in the concept of the risk at that
3 time.

4 That's why post-9/11, even the FATF
5 itself, they have refined their recommendations and
6 they are concentrated so more specific to -- and,
7 again, in my report I -- I did an exercise of
8 reviewing the facts, recommendations at specific
9 period, and I search in the -- for the words like
10 "terrorism," like "charities," like "non-governmental
11 organization." And I haven't seen them even once
12 mentioned in that -- explicitly in that. And it's all
13 talking about source of funds and things -- things
14 like this. So I don't know.

15 BY MR. CARTER:

16 Q. Did the -- did the FATF regulations you
17 are referring to specifically refer to extortion?

18 A. To...?

19 Q. Extortion.

20 A. Can you rephrase? I mean, what's the
21 meaning -- what's the meaning? I'm forgot the meaning
22 of it. I know that word, but I forgot the meaning of
23 it.

24 Q. Extortion is essentially when you use

1 damaging information about someone to force them to
2 pay you money.

3 A. I don't understand.

4 Q. Do -- do the FATF regulations during this
5 period make any specific reference to the crime of
6 bribery?

7 A. I remember it was talking about illegal
8 activities in general. I don't really recall exactly
9 what it was now.

10 Q. And terrorism is an illegal activity,
11 correct?

12 A. Very, yes, agree.

13 Q. And you cite in your reports -- and let's
14 pull out the 1995 SAMA Guidelines that are at Tab 1,
15 and these were previously marked as an exhibit.

16 MR. CURRAN: Which exhibit number was that?

17 MR. CARTER: Well, I think it will show up,
18 Chris.

19 MR. CURRAN: Oh, Okay. Previously designated at
20 a prior deposition, is that what you mean?

21 MR. CARTER: Yes.

22 MR. CURRAN: Okay.

23 MR. CARTER: Yeah, introduced at the Pasley
24 deposition and it's at Tab 1.

1 THE EXHIBIT TECH: I'm sorry. This is Evan, the
2 tech. Do you have the Pasley exhibit number?

3 MR. CARTER: I'm sorry, Evan, it's at 1R. My
4 apologies.

5 THE EXHIBIT TECH: Thank you, sir. Coming up
6 now.

7 (WHEREUPON, a certain document was
8 marked Fawzi Al-Hobayb Deposition
9 Exhibit No. 8, for identification, as
10 of 02/09/2024.)

11 BY MR. CARTER:

12 Q. Mr. Hobayb, take a moment and let me know
13 if you recognize these as the 1995 SAMA Guidelines for
14 preventing -- for prevention of money laundering
15 referenced in your report?

16 A. Yes, I can recognize it. I see now the
17 cover letter, the covering page, the covering page,
18 yeah.

19 Q. And -- sorry.

20 Turning to the introduction section on the
21 134 in the handwritten page numbers. Okay.

22 A. Yeah.

23 Q. Now, we have in this document side-by-side
24 English and Arabic versions, correct?

1 A. No, not always.

2 Q. Well --

3 A. I didn't -- I did not vouch that -- in
4 English, so I cannot -- I cannot really assure of
5 any -- for anything.

6 Q. Mr. Hobayb, you agree that there is
7 English text on the left and Arabic text on the right,
8 correct?

9 A. Yes, sir.

10 Q. And based on your familiarity with SAMA's
11 practices during this time period, did it commonly
12 issue directives and circulars in both English and
13 Arabic?

14 A. Well, they are always, because the main
15 language, the official language is Arabic, but because
16 there are some ex-patriots working for the -- for --
17 in the banking sector, so sometimes they put also --
18 but not always everything is in Arabic or English.
19 You may find only Arabic, but, I mean, mainly Arabic.
20 The Arabic language is the main one.

21 Q. And so SAMA issued English language text
22 at times because there were non-Saudi and non-Arabic
23 individuals working in Saudi banks during the time
24 period?

1 A. Just my presumption, but I -- I don't
2 speak on behalf of SAMA.

3 Q. Do you happen to know whether or not there
4 were any English -- native English speakers working at
5 Al Rajhi Bank in the auditing or anti-money laundering
6 functions between 1998 and 2001?

7 A. I don't -- I don't -- I don't recall. I
8 don't know. But all banks, they have Americans,
9 Europeans, non-English -- non-Arabic speaking
10 employees, and I would presume that Al Rajhi just like
11 any other bank, you could.

12 Q. And -- and in the introduction section in
13 the English, it says:

14 "By all accounts, world-wide money
15 laundering activities, particularly those related to
16 drugs, now constitutes a multi-billion dollar business
17 annually. However, money laundering could also
18 encompass funds derived from theft, blackmail,
19 extortion, terrorism, and other criminal activities."

20 You see that text, correct?

21 A. I see it.

22 Q. Now, the English here refers specifically
23 to the -- to the word "terrorism," right?

24 MR. CURRAN: Objection as to form, out of

1 context.

2 You may answer.

3 BY THE WITNESS:

4 A. Well, can you allow me to read the Arabic
5 one, please?

6 BY MR. CARTER:

7 Q. No, I -- you -- you read English, correct?

8 A. Yes, but the official language --

9 Q. We're going to get -- Mr. Hobayb, we're
10 going to get to the Arabic. I understand the point
11 you're making in your report, and I'm just trying to
12 establish whether you agree with me that the word
13 "terrorism" appears in the English language
14 introduction section?

15 MR. CURRAN: I'm going to instruct the witness
16 he may look at the original Arabic.

17 So feel free to do so.

18 BY THE WITNESS:

19 A. I just look at the Arabic version. The
20 Arabic version did not say "terrorism."

21 BY MR. CARTER:

22 Q. So you're saying that the Arabic version
23 is different from the English, right?

24 A. I don't know about the English. All my

1 concentration is on the Arabic.

2 Q. Well, you read English, don't you,
3 Mr. Hobayb?

4 A. I read English, but the official -- I
5 repeat it to you, the official document in my country
6 is Arabic.

7 Q. The official document we have here issued
8 by SAMA was issued by SAMA with English text and
9 Arabic text, right?

10 A. But the Arabic text is the official and
11 dominating version, the Arabic.

12 Q. You just told me, though, that there may
13 be bank personnel who don't read Arabic at Saudi banks
14 during this time period.

15 A. I just suspect. I just presume. But
16 I'm -- I'm not on behalf of SAMA. I said it before.
17 You asked -- asked me why it was in
18 English. I don't know. It's just a -- just a guess.
19 I don't know.

20 Q. So -- so reading the English, the word
21 "terrorism" appears there, doesn't it?

22 A. It didn't appear in the Arabic one.

23 Q. Okay. So my question is: Does it appear
24 in the English? We're all looking at it. It's

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1 highlighted. You can read.

2 A. If it appears in the English, but it
3 doesn't appear in the Arabic.

4 Q. Now, this document, if we go back to
5 Page 132.

6 A. Can I comment on something, please, before
7 we go to that, to the next one?

8 Q. Sure.

9 A. Can you go back to the document?

10 Q. Yeah, sure.

11 A. Same highlight. I mean, see, even -- even
12 this one is -- even -- even what -- when you mentioned
13 about that, the English one, see, it's -- in the one,
14 two, three, four, five -- in the fifth line
15 "could...encompass funds" -- "encompass funds
16 derived..."

17 "Derived from," not "applied to." So the
18 whole context even doesn't apply.

19 Q. So to the extent that a terrorist receives
20 contributions because that terrorist is engaged in
21 acts of terrorism, you don't view those to be derived
22 from terrorism?

23 MR. CURRAN: I'm sorry. I need to hear that
24 question again, Mr. Carter.

1 BY THE WITNESS:

2 A. I did not hear it. I did not understand
3 it.

4 BY MR. CARTER:

5 Q. So let's take the example of Osama bin
6 Laden, the -- do you agree that people who were
7 knowingly giving him money before September 11 were
8 giving him money precisely because he was engaging in
9 acts of terrorism?

10 MR. CURRAN: Objection as to form, lack of
11 foundation, overbroad.

12 You may answer.

13 BY THE WITNESS:

14 A. It depends on the context, I mean. Prior
15 to 9/11, I don't know what was -- when he -- when
16 did -- he was designated. I -- I really -- I need to
17 have -- to have more information to -- so, to answer.
18 I mean, but...

19 BY MR. CARTER:

20 Q. So you don't view funds that are
21 contributed in order to facilitate acts of terrorism
22 as being derived from terrorism?

23 A. I mean, any -- any money, any funds that
24 derive from any illegal action is something you -- you

1 want to stop, you want to discover, you want to
2 report.

3 I'm not sure that I understood your...

4 Q. Now, the words -- just focusing again on
5 the English, am I correct that the words "theft,
6 blackmail, extortion" that appear in the English
7 version are also missing from the Arabic?

8 A. Do you want me to check now?

9 Q. Yeah, sure.

10 A. Yeah, the Arabic one talks about -- about
11 money laundering that are related to drugs. And my
12 test --

13 Q. And it does not -- it does not -- sorry.

14 MR. CURRAN: Were you done with your answer?

15 BY THE WITNESS:

16 A. As far as the first paragraph, it mentions
17 only -- I see it only mentions drugs.

18 BY MR. CARTER:

19 Q. So it does not -- the Arabic does not
20 mention the words "blackmail," "theft" or "extortion,"
21 correct?

22 A. I didn't say the Arabic -- in the first
23 paragraph, the Arabic just mentioned drugs only.

24 Q. And turning back to where we were going to

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1 go before, to Page 132, and the Arabic is at 131,
2 the -- the -- this -- these guidelines were sent to
3 the attention of the managing directors and general
4 managers of Saudi banks, correct?

5 A. Yes, sir.

6 Q. And these were still the guidelines in
7 place between 1998 and 2001?

8 A. I guess so. I would presume that. I
9 don't recall exactly, but yes, this is --

10 Q. Do you know --

11 A. This is part --

12 Q. Do you know who the -- sorry.

13 Do you know who the general manager was at
14 Al Rajhi Bank between '98 and September 11, 2001?

15 A. I don't recall really. If -- if something
16 happened -- if something in the papers that I saw,
17 maybe, but relating to the period now, I'm not in the
18 position to really good -- have definite answer.

19 Q. Do you know who Abdullah Al Rajhi is?

20 A. Yes. He's a general manager, but I really
21 forgot from what year he was.

22 Q. Do you know if he speaks and reads
23 English?

24 A. I don't know him personally.

1 Q. And going down in this document, in
2 addition to the work of FATF, the document also refers
3 to the Basel Committee.

4 Do you see that?

5 A. Can you highlight it for me?

6 Q. Sure. It's the last sentence -- or last
7 line of the first paragraph.

8 A. Yeah, yeah. The 1991 Basel Committee
9 guidelines for international banks, the OECD.

10 Q. Yeah. What -- what was the Basel
11 Committee?

12 A. Oh, Basel -- Basel Committee is part of
13 the OECD. OECD I guess stands for Organization for
14 Economic and Cooperation -- Economic Cooperation and
15 Development, something like that, which they have -- I
16 don't know their activities, but they have some -- a
17 committee or this, the Basel Committee, that they
18 issue -- or oversight of international banks. And
19 they give them, like, standards, recommendations,
20 whatever like that, many things like this.

21 Q. Was Saudi Arabia a part of the OECD
22 between 1998 and 2001?

23 A. I don't really recall. I don't know. I
24 forgot.

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1 Q. Do you know --

2 A. I forgot. I mean, I don't know. Now I
3 cannot, I'm sorry, because it is not on the top of my
4 head either yes or no.

5 Q. Okay. During the time that you were at
6 Arab National Bank, were the recommendations of the
7 Basel Committee relevant, seen as relevant to
8 maintaining compliance with standards?

9 A. No, but directly, no. SAMA, as Central
10 Bank, is taking the international, whatever, standards
11 and instruct the banks to -- by -- by the way, Basel
12 Committee, they have many things, I mean, even could
13 be for liquidity, for concentration, and banks, not
14 only just controls, but the banks are not obliged to
15 comply with Basel Committee directly.

16 All of the regulations and the mandate,
17 they take it from the Central Bank, SAMA.

18 Q. Well, do you know whether Al Rajhi Bank
19 paid attention to recommendations of the Basel
20 Committee during the 1998 to 2001 time period?

21 MR. CURRAN: Objection as to form, lack of
22 foundation.

23 You may answer.

24 BY THE WITNESS:

1 A. Which -- which standards or committee or
2 what? Your question is very generic.

3 BY MR. CARTER:

4 Q. Yeah, well, I mean, the Basel Committee
5 issues reports and guidelines, correct?

6 A. Can you pinpoint to any one of them,
7 which -- whatever you mean, but I cannot presume that.
8 I -- I don't -- I don't know. I mean, banks are not
9 obliged directly to, unless the Central Bank asks
10 them, specifically anything. I mean, the whole
11 regulator is SAMA.

12 Q. Do you recall during this -- the time
13 period 1998 to 2001 whether Arab National Bank where
14 you worked reviewed recommendations of the Basel
15 Committee to ensure that it was adhering to best
16 practices?

17 A. I remember that I voluntarily, myself, as
18 an internal audit because they have, like, standards
19 for internal audits also, I voluntarily asked the
20 management that I want to compare the -- the
21 internal -- the system of the internal audit of the
22 bank, which I was heading, to the Basel standards at
23 that time and just to -- to compare us.

24 It was -- I mean, I remember it was issued

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1 not very long time before my request was, as an extra
2 mile by me, as an initiative. And, yeah, I was
3 100 percent compliance.

4 Q. Yeah, do -- do you know whether anyone at
5 Al Rajhi Bank took a similar initiative to -- to make
6 sure that they were complying with the Basel
7 guidelines?

8 A. I don't know. It could be, it could be
9 not. I don't know.

10 Even though -- even this document, the one
11 in front of me, say that -- it says against illicit
12 traffic in narcotics, drugs. This is cover letter by
13 the governor of -- of SAMA.

14 Q. Do -- do you recall that in Mr. Winer's
15 report, he referenced a UN international convention on
16 the prevention of terrorism financing that was issued
17 in 1999?

18 A. That?

19 Q. I'm trying to find the page. I apologize.

20 MR. CARTER: Okay. On -- if we can, let's pull
21 up Mr. Winer's report, which is at Tab 4 in the
22 binder.

23 MR. CURRAN: Mr. Carter, I'm going to hand a
24 clean copy of that to the witness.

1 MR. CARTER: Sure.

2 (WHEREUPON, a certain document was
3 marked Fawzi Al-Hobayb Deposition
4 Exhibit No. 9, for identification, as
5 of 02/09/2024.)

6 BY MR. CARTER:

7 Q. And if we can, let's look at Page 25 of
8 Mr. Winer's report.

9 Okay. And in this section of the
10 report -- actually, if we can go back to the prior
11 page -- he references the issuance by the UN General
12 Assembly of a resolution on December 9, 1999, which
13 was titled International Convention on the Suppression
14 of Financing of Terrorism.

15 Do you see that?

16 MR. CURRAN: 3.2.4.

17 BY THE WITNESS:

18 A. 3.2.4. Can I -- can you give me a minute
19 reading the --

20 BY MR. CARTER:

21 Q. Yeah, sure.

22 A. I can see that.

23 Q. Okay. Are you familiar with that
24 convention from your work during the 1999 to 2001 time

1 period at Arab National Bank?

2 A. I don't really recall. I don't really
3 recall. But what -- we -- we get instructions and the
4 regulations, we are -- banks are being regulated by --
5 by SAMA. We are not obliged to any international
6 by -- legally by -- by auditing. I mean, they're all
7 through the Central Bank.

8 Q. But do you agree with me -- have you
9 reviewed this document as part of the preparation for
10 your report?

11 A. I really forgot. I don't recall. If I
12 referred to it, to some part of it. I really -- I
13 don't really recall all documents that I have read.
14 Many documents, but I don't recall.

15 Q. And this document addressed the importance
16 of member states of the UN implementing action to make
17 sure financial institutions subject to their oversight
18 implemented processes to counterterrorism financing
19 risk.

20 Do you know whether that's correct or not?

21 A. I don't really recall. I mean, did FATF
22 after that in that same year issue something about the
23 combatant terrorist financing?

24 Q. Well, do you --

1 A. I don't recall. I don't recall FATF
2 having issued something like that.

3 Q. Well, do you agree that the issuance by
4 the United Nations General Assembly of a specific
5 convention addressing concerns about terrorism
6 financing shows that terrorism financing through
7 financial institutions was an issue of concern at
8 least as of the date of this document on December 9,
9 1999?

10 A. I cannot comment on that. I cannot
11 comment on that. I really don't know. I mean,
12 what's -- I don't know. I cannot comment.

13 Q. Turning to the footnote in Page 25, 51,
14 Mr. Winer refers to a report by the Basel Committee.

15 A. Page 24?

16 MR. CURRAN: Give him a second.

17 BY MR. CARTER:

18 Q. It is Footnote 51 --

19 MR. CURRAN: Okay. Footnote 51.

20 BY MR. CARTER:

21 Q. -- on Page 25, which referred to terrorism
22 as an example of a serious crime.

23 Were you aware of this report of the Basel
24 Committee during the 1998 to 2001 time period?

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1 A. I don't -- I don't recall.

2 Q. Do you -- do you know whether anyone at Al
3 Rajhi Bank was aware of this report at the time?

4 A. I don't know.

5 Q. Given Mr. Winer's citations to the UN
6 convention in this Basel Committee report as evidence
7 that terrorism financing was a concern in the
8 international arena before 9/11, did you ask anyone at
9 Al Rajhi Bank whether they were aware of those
10 documents during the pre-9/11 time period?

11 MR. CURRAN: Objection as to form, lack of
12 foundation.

13 You may answer.

14 BY THE WITNESS:

15 A. Well, the Al Rajhi, Al Rajhi obligation at
16 that time is to comply with the -- with the -- with
17 its regulator. The regulator at that time issued the
18 AML 1995. This is the -- this is the Al Rajhi's
19 obligation -- or any other bank, I mean, any other
20 bank under the supervision of -- of SAMA are obliged
21 for the regulations and for the oversight of SAMA.

22 BY MR. CARTER:

23 Q. But do you know whether Al Rajhi Bank
24 viewed the financing of terrorism through the accounts

1 it maintained as a serious crime before 2001 -- or
2 before 9/11?

3 MR. CURRAN: Objection as to form, lack of
4 foundation.

5 You may answer.

6 BY THE WITNESS:

7 A. Can you repeat the question, please? Did
8 they what?

9 BY MR. CARTER:

10 Q. Do you know whether Al Rajhi Bank viewed
11 the financing of terrorism through accounts it
12 maintained?

13 A. Hear? Did you say hear? Did you say
14 hear?

15 Q. No.

16 Do you know whether Al Rajhi Bank viewed,
17 in other words, considered, the financing of terrorism
18 through accounts it maintained to be a serious crime
19 that it was obligated to prevent between 1998 and
20 September 11, 2001?

21 A. I mean, terrorism is -- is a huge crime.
22 I mean, anybody, any person in the globe, I mean, it's
23 serious. It is not specific to Al Rajhi, not
24 Al Rajhi. But at that time, you have -- the whole

1 concentration and the whole focus was on illegal money
2 coming -- coming from, as the source, from drugs.
3 This is the -- if we have other customers that they
4 suspected for drugs, yes, of course. This is the --
5 the main concentration, I mean, but terrorism, I mean,
6 is a huge crime and we are all...

7 Q. You mention in your report that Al Rajhi
8 Bank also had a branch manual concerning, among other
9 things, anti-money laundering procedures.

10 Do you recall that?

11 A. Yes, I recall something like that, yes.

12 Q. And is it your recollection that the
13 branch manual largely implemented the -- at least as
14 to the money laundering issues, largely implemented
15 the 1995 guidelines?

16 A. Branch manual?

17 Q. Yeah. Did the anti-money laundering
18 suspicious transaction processes in the branch manual
19 largely implement the 1995 SAMA Guidelines?

20 A. I reviewed documents. Money laundering
21 was in that manual you mentioned, also in the -- in
22 some other documents, which I don't memorize now.
23 Even the internal auditor annual plan, they have some,
24 like, processes or, like, a plan of what they are

1 going to do.

2 So in general, I saw documents that are
3 fulfilling -- appropriately fulfilling their duties.

4 Q. Well, do you -- do you recall whether you
5 identified any significant discrepancies between the
6 anti-money laundering guidelines in the branch manual
7 and the requirements of the 1995 SAMA Guidelines?

8 A. I mean, not specific. I don't recall -- I
9 saw different -- different documents. I mean, there
10 can be collectively meet -- but my opinion that
11 collectively all -- based on the documents that I saw
12 at -- for the Al Rajhi documents, my opinion, I did --
13 I did not see any significant deviation from the
14 AML -- the SAMA AML guidelines, 1995 guidelines.

15 Q. The -- I believe you indicate in your
16 report that the SAMA Guidelines required Al Rajhi Bank
17 to carry out anti-money laundering and suspicious
18 activity reporting training of its personnel, is that
19 correct?

20 A. Yeah, I recall something like this, yes,
21 sir.

22 Q. Did you review any materials concerning Al
23 Rajhi Bank's training of its personnel as to
24 anti-money laundering and suspicious activity

1 reporting protocols?

2 A. Yes, I recall. I recall one of the
3 documents, which I forgot which was, that they are
4 going to do, like, training, something like -- yeah, I
5 came across training for anti-money laundering, yes,
6 in --

7 Q. And there --

8 A. -- one of the documents of Al Rajhi, yes.

9 Q. Okay. The document -- there's a document
10 that refers to the fact that Al Rajhi was going to
11 conduct training, correct?

12 A. I forgot exact phrase.

13 Q. Yeah. Did you -- did you review any
14 documents concerning the actual training that was
15 conducted?

16 A. Well, again, this is similar to the
17 anti-money laundering reports. I mean, since there
18 is -- the initiative is there, I mean, I cannot assume
19 that it was done -- it was not done without evidence.
20 I mean, this is the norm. The norm is banks, the norm
21 is whatever plans they have, they execute their plans.
22 Why -- for what reason they -- they make plans if they
23 don't want to -- or if they don't intend to do them?

24 And, again, these trainings -- these

1 trainings can be done by even the -- the HR can be
2 engaged. It's not a -- yeah, so there's no reason for
3 me to suspect that, like, regular internal auditor
4 reports, that it was not done or it was not issued or
5 not -- or whatever. Even the training, there is no
6 reason for me to suspect that it was not done.

7 Q. But -- and I'm just trying to -- to
8 clarify. Did --

9 A. I -- I can -- I can add something, if you
10 may -- may allow me, please, Mr. Carter.

11 Q. Yeah, go ahead.

12 A. At one point of time it was, again,
13 from -- because we want to improve and develop our --
14 the internal audit proficient, me and my -- a number
15 of colleagues and I, we communicated with the American
16 Institute for Internal -- for Internal Auditors in the
17 US and asked them to allow us to create a chapter,
18 which is like a branch or something. They call a
19 chapter. And we created a chapter. And I was
20 nominated as a chairman for that chapter.

21 And I do recall that we had -- we
22 create -- we made a conference for the internal audit
23 practitioners amongst the banks and other companies if
24 they want. And many of the -- many of the -- many of

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1 the banks' person -- the related banks' personnel,
2 including Al Rajhi, were attending that conference.
3 And guess what, that -- the main subject, the main
4 speech was anti-money laundering.

5 And I remember we invited a reputable
6 speaker at that time from Canada to also give a speech
7 on -- on this. And the main subject was for that --
8 that conference was anti-money laundering. This is
9 also training. So the initiative that -- everything
10 was there. I mean, nothing will just assume that it
11 was not -- it was not -- it was not done.

12 Q. When was that conference that you just
13 referred to held?

14 A. Before 9/11, for sure.

15 Q. And, again, I'm just trying to make sure I
16 understand what you did do as part of your work here
17 and -- and things that were beyond the scope of your
18 work.

19 And so with -- within that context, am I
20 correct that you didn't undertake to evaluate what
21 Al Rajhi Bank actually did for purposes of training
22 its employees on anti-money laundering or suspicious
23 activity reporting?

24 A. Again, I saw -- I saw in one of the

1 documents. Like, I don't recall the exact phrase, was
2 it a plan, was it an immediate plan to do, talks about
3 training about anti-money laundering for bank's
4 employees.

5 Q. And, again, but I'm just trying to
6 clarify.

7 You didn't evaluate what was actually done
8 as part of the training program, correct?

9 A. I didn't see the need for that.

10 Q. Do you --

11 A. I didn't see any bad -- I did not see any
12 bad intent by Al Rajhi. They took the initiative for
13 the training. They made their -- their guidelines. I
14 didn't see any -- anything that can indicate to me any
15 misconduct or any bad intent or...

16 Q. Did Al Rajhi Bank have, to your knowledge,
17 a dedicated anti-money laundering department prior to
18 September 11, 2001?

19 A. Yeah. I saw it in parts of -- in one of
20 the documents, that they have the anti-money
21 laundering unit.

22 Q. Do you know how many employees were in
23 that unit?

24 A. I don't really -- I didn't really know. I

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1 mean, it's a....

2 Q. And do you know who was working in that
3 unit during the period before September 11, 2001?

4 A. I don't recall that. I don't recall.
5 Maybe I saw the names or I didn't see the names. I
6 didn't really recall.

7 Q. And in connection with the
8 self-supervisory committee, were there particular
9 people at Al Rajhi Bank that you interacted with?

10 A. The -- yeah, a member of Al Rajhi Bank
11 was, like any other bank, members of that committee.

12 Q. Do you recall who at Al Rajhi Bank you
13 interacted with in connection with the
14 self-supervisory committee?

15 A. Yeah. I remember seeing Sal Al-Jarboua's
16 (phonetic) name, something like that, yeah.

17 Q. Do you -- do you recall whether any of the
18 people you've interacted with were part of the
19 anti-money laundering unit at Al Rajhi Bank?

20 A. I really don't recall. I mean, that's
21 been a long, long time now.

22 Q. Turning to Page 13 of your report, you
23 express your opinion that:

24 "While Winer suggests that some of the

1 applicable regulations were not fully satisfied by Al
2 Rajhi Bank, as I will note later, those small examples
3 do not indicate any material noncompliance by the
4 Bank."

5 Do you see that?

6 MR. CURRAN: All right. Hold up. The document
7 is not up yet and...

8 MR. CARTER: Sorry, I apologize. It's down in
9 the bottom paragraph on Page 13. It's the first
10 sentence of the last paragraph.

11 BY THE WITNESS:

12 A. It's in section (d)?

13 MR. CURRAN: Page 13 at the bottom, I'm going to
14 point it out. I think he is -- it's the paragraph
15 beginning with "While," correct?

16 THE WITNESS: Ah.

17 MR. CARTER: Yes.

18 MR. CURRAN: It's not on the screen -- it's not
19 on the screen yet. It will be there shortly.

20 BY THE WITNESS:

21 A. So he's talking about this -- you are
22 talking about (d) paragraph, Mr. Carter?

23 BY MR. CARTER:

24 Q. Yeah, the first sentence there.

1 A. Yeah, can I -- can I -- allow me --

2 Q. Sure.

3 A. -- some time to read the paragraph,
4 please.

5 Q. Mr. Hobayb, are we on the same page yet?

6 A. Yeah, I'm reading (d). Is this in (d),
7 SAMA is enforcing or because --

8 Q. No, we should be -- we should be on the
9 paragraph -- second paragraph in that section:

10 "While Winer suggests that some of the
11 applicable regulations were not fully satisfied by Al
12 Rajhi Bank, as I will note later, those small examples
13 do not indicate any material noncompliance by the
14 Bank."

15 Correct?

16 MR. CURRAN: Yeah, yeah, he's there, it's just
17 that --

18 BY THE WITNESS:

19 A. Correct.

20 MR. CURRAN: -- this is the next page, right?

21 THE WITNESS: So, yeah.

22 BY THE WITNESS:

23 A. Yes, sir.

24 BY MR. CARTER:

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1 Q. Okay. The phrase "material noncompliance"
2 that you use there, is that a term of art that you are
3 familiar with from your work in banking?

4 A. It's very -- it's familiar in auditing.
5 It's one of the auditing terms.

6 Q. And -- and within auditing, what does
7 "material noncompliance" indicate?

8 A. Well, good question. Material -- material
9 noncompliance is all -- is always related to the
10 context and the implications and the risk. What is
11 the risk behind our -- if this happens? Is there a
12 fraud risk, financial risk, legal risk?

13 Yeah, this is the -- the context. So
14 you -- you decide on the -- or you assess it and you
15 arrive at the magnitude of the implement --
16 implications, and you can, at your professional
17 judgment, say this is a material noncompliance or
18 significant noncompliance or medium noncompliance --
19 medium risk noncompliance or low noncompliance. So
20 this is done.

21 Q. And --

22 A. So it's about impact, risk.

23 Q. And in relation to how you're using the
24 term there, what subject matter are you referring to

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1 when you say that there is not material noncompliance?
2 Are you referring with -- are you referring to AML
3 practices? Are you referring to Know-Your-Customer
4 practices?

5 What issue are you addressing?

6 A. No. I'm referring to -- to Winer,
7 which -- that's why I say, "While Winer suggests that
8 some of the applicable regulations are not fully
9 satisfied by the bank, as I will note later..."

10 So in 4.3, I have detailed all -- in
11 details what I mean by this. This is just in the
12 opinion. This is just...

13 Q. Okay. So you're talking specifically in
14 this section about whether or not there was material
15 noncompliance reflected in the particular subject
16 issues that you address in Section 4.3 of your report,
17 correct?

18 A. And just give me a second.

19 Yeah, we are in (d), and (d) falls under
20 4.1, which I'm -- I was talking about regulatory
21 landscape, okay. And as in Winer, some -- he -- in
22 some of his examples, or whatever he said, that he is
23 saying that they are not complying with the
24 regulations. That's why I put this -- this sentence.

1 Q. Okay. You're -- you're talking
2 specifically about the examples Mr. Winer offered of
3 problems in his report. You're not -- just to be
4 clear, Mr. Hobayb, I want to make sure, you're not
5 offering an opinion as to whether or not there was
6 material noncompliance with Al Rajhi Bank on an
7 institutional level across a broader spectrum of
8 accounts that are addressed in Mr. Winer's report,
9 right?

10 MR. CURRAN: Objection as to form.

11 BY THE WITNESS:

12 A. I don't really -- what's the context you
13 are talking about? But I'll volunteer an answer. My
14 report is covering three things that I understood from
15 Winer and Kohlmann, that they are saying that there's
16 no re -- it's a lose or there is non-existence of
17 regulations, and that's why a -- the whole country is
18 not operated under regulations.

19 The second thing that they say, the bank
20 is lose, they don't have good internal controls.

21 And then they mentioned a number of -- of
22 instances that, for example, like account openings,
23 whatever, like this, and this is -- I categorize my
24 report to this effect just to make it read.

1 So as far as they are talking about that
2 the -- the regulations are not enough or whatever, or
3 the bank is not complying, I have proven in my report
4 that they are complying with -- the regulations are
5 met and the internal control system of the bank is
6 good.

7 So I did not see any material
8 non-compliance. That's -- that's all I mean.

9 Q. And, Mr. Hobayb, if -- based on your
10 experience as the head of internal auditing at ANB for
11 a number of years, if you were undertaking an
12 evaluation of the adequacy of Al Rajhi Bank's
13 anti-money laundering practices throughout the bank
14 during the period from 1998 to 2001, generally how
15 would you go about doing that?

16 A. It Depends on the scope. Is it a forensic
17 or...?

18 Q. Sure.

19 A. If it's a -- forensic for what? What is
20 our objectives? What is the scope?

21 Q. It is to ascertain --

22 A. I cannot -- I cannot put this in a
23 hypothetical context, I mean. If I was asked now to
24 audit Al Rajhi as a forensic, no, I need to think

1 about it. I mean, I -- most likely I will go beyond,
2 beyond this, but, no, this is enough for me. This is
3 enough to see the fundamentals.

4 If you want -- in the -- the forensic, you
5 just go for transactions. It's not going for
6 fundamentals. Fundamentals, they have already covered
7 and satisfied --

8 Q. I see.

9 A. -- I mean. There is no material evidence,
10 I mean.

11 And -- and Winer and Kohlmann did not
12 present any -- any evidence of such. They give --
13 they give their best as examples, which I have already
14 covered in my report.

15 Q. Mr. Winer's review was limited to a
16 particular subset of customers and bank records
17 relating to those customers, right?

18 A. I don't know. I don't recall either.

19 Q. But do you --

20 A. I don't know.

21 Q. Mr. Winer wasn't engaged in any sort of
22 full scope review of Al Rajhi Bank's practices, right?

23 A. I cannot comment on this. Ask him.

24 Q. And -- and you agree that he could only

1 comment as to the scope of the customers and documents
2 that he had access to, right?

3 MR. CURRAN: Objection as to form.

4 You may answer.

5 BY THE WITNESS:

6 A. Whatever.

7 BY MR. CARTER:

8 Q. Well, do you agree with that?

9 A. I mean, I don't know what documents he --
10 what's the magnitude of documents that he saw. I
11 don't know the -- his scope. I mean, the scope, I
12 know that he's -- he is for the case, but I really --
13 you are -- you are really -- I cannot -- not relate to
14 your previous question about forensic with this, I
15 mean. I hope I'm helping, but this is my
16 understanding of what you...

17 Q. Are you unaware of the scope of documents
18 that Mr. Winer had access to?

19 A. I read it, but I don't remember exactly
20 what I -- what I read now.

21 Q. Turning to Page 15 of your report, you
22 indicate that:

23 "A SAMA circular dated July 4, 1996,
24 indicates that banks were required to open an account

1 for any customer regardless of amount as long as
2 certain documentation requires" -- "requirements were
3 met. From my experience and my review of the
4 then-applicable regulations, I can confirm that a bank
5 was only permitted to close an account following
6 requests from authorities, following a client request,
7 or else by following the procedures related to
8 dormancy based on this circular."

9 You're familiar with that section of your
10 report?

11 A. Yeah, I'm -- I'm talking about certain
12 section -- about the closing of the account
13 requirements, yeah.

14 MR. CARTER: Yeah, and if we can just pull up
15 that circular which is, I believe, at -- the one at
16 Tab 16, which I think -- or Tab 16R, which I think we
17 marked earlier.

18 BY MR. CARTER:

19 Q. When you've had a chance, Mr. Hobayb, let
20 me know if this is the circular that you're citing in
21 the section of your report that we just read?

22 MR. CURRAN: Objection as to form.

23 You may answer.

24 BY THE WITNESS:

1 A. Yes, familiar.

2 BY MR. CARTER:

3 Q. And looking at this, are there any
4 material discrepancies that you're aware of between
5 the Arabic and the English in this document?

6 A. I don't know. I haven't looked at the
7 English at all.

8 Q. So the English, first paragraph, begins:

9 "SAMA has noticed from inspection visits
10 and client complaints that some banks refuse to open
11 current accounts for less than a specific minimum and
12 that they close current accounts that fall below a
13 certain minimum."

14 A. Yeah, the same in the general context, but
15 can you go to the Arabic one, please.

16 Q. Yes, it is right next to it, so.

17 MR. CURRAN: You can look at the copy. Well, it
18 was -- it was obscured by the highlighting.

19 You can look at the full document over
20 there, too, if you wish.

21 BY THE WITNESS:

22 A. You want me to compare Arabic to English,
23 Mr. Carter?

24 BY MR. CARTER:

1 Q. Well, I just want to know whether or not
2 what I just read is consistent with what your
3 understanding of what -- how the document begins, that
4 SAMA has noticed from inspection visits and client
5 complaints that some banks refuse to open current
6 accounts for less than specific --

7 A. Yeah. No -- similar, similar, yes.

8 Q. Yeah. So based on that introductory
9 language, the focus of this circular was on a problem
10 involving refusal of certain banks to open accounts
11 for small amounts, right?

12 A. Yeah, this is all -- this refers -- let me
13 talk about this. This also proves that the -- that
14 SAMA conducts inspection visits.

15 So I'm -- so this is one of the tools that
16 SAMA did -- they do. Yes, I think through their
17 visits, maybe some banks, they -- they don't want
18 small customers, maybe, and they -- because it's
19 costly for them.

20 And some say, no, you have to open for
21 everyone and as long as -- and without making any
22 condition of minimum amount, and they -- they must
23 be -- they continue to -- to be -- to be active, to
24 be -- to be open, not to close it unless it was

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1 certain condition, like was asked by the account owner
2 or something like this, yeah.

3 Q. So the focus of this circular is on
4 ensuring the availability of banking services to small
5 customers and preventing discrimination against small
6 customers, right?

7 MR. CURRAN: Objection as to form.

8 You may answer.

9 BY THE WITNESS:

10 A. Yeah, it's general, yeah. Do you want me
11 to read you the whole paragraph? Yes, in general,
12 yes, because the main -- want the banking services to
13 be available to all the -- all customers.

14 BY MR. CARTER:

15 Q. This document has nothing to do with the
16 circumstances in which a bank closed an account based
17 on a determination that it was being used for criminal
18 activity, does it?

19 A. No, that --

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. -- bank cannot -- to my understanding, the
24 bank cannot close an account unless it is requested by

1 the account owner or by authorities. Not --

2 Q. Yeah, but this --

3 A. The bank cannot have that -- the banks --
4 banks don't have the discretion by their own just
5 to -- just to close it.

6 Q. I understand that that's your testimony,
7 Mr. Hobayb, but the circular you cited in this section
8 of your report has nothing to do with the
9 circumstances under which a bank can proceed to close
10 an account based on a determination that it's being
11 used for criminal activity, does it?

12 MR. CURRAN: Objection as to form.

13 You may answer.

14 BY THE WITNESS:

15 A. I think this -- this circular applies to
16 everything.

17 BY MR. CARTER:

18 Q. But this circular that addresses the
19 protection of small customers in your view is a
20 significant directive on how to handle accounts that
21 are being used for criminal activity?

22 A. This circular is general. You cannot
23 close the account. It's very specific, very explicit.

24 Q. Well, it's talking about the inability to

1 close an account -- it's stipulating that banks aren't
2 permitted to close the account based on it falling
3 below a minimum amount threshold or on the grounds
4 that it is allegedly dormant, right?

5 A. Which paragraph?

6 MR. CURRAN: Yeah, Mr. Carter, could you put up
7 the whole circular?

8 MR. CARTER: The third paragraph.

9 MR. CURRAN: Yeah, that's not on his screen,
10 okay.

11 BY THE WITNESS:

12 A. The one that starts with "SAMA, there --
13 therefore"?

14 BY MR. CARTER:

15 Q. Yeah.

16 A. "To maintain such accounts as long as they
17 are active and not closed at the request of the
18 client."

19 I prefer to -- okay. They look similar,
20 maybe, here, but the Arabic one, they say, "and these
21 accounts should remain open."

22 Q. And "these accounts" that they are talking
23 about are accounts --

24 A. All accounts.

1 Q. -- are small value accounts?

2 A. No, not to my understanding. It's all
3 bank accounts.

4 Q. You -- you --

5 A. They did not say -- they did not say
6 it's -- they did not say that -- well, the trigger for
7 the -- for SAMA at that -- those inspection visits
8 maybe was for the small customers, but the -- the
9 whole context -- context here is about all bank
10 accounts.

11 They did not say here that close it. It
12 says explicit here that without asking, "and these
13 accounts should remain, must remain open," as long as
14 it is an active or it's -- the bank -- the account
15 owner did not ask to close it.

16 Q. Does this document say anything about the
17 procedures that would apply to closing the account
18 that has been determined to be associated with
19 criminal activity?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. I didn't see such a thing here. Did you?
24 If there is anything, please pinpoint it to me.

1 BY MR. CARTER:

2 Q. To -- no, I don't -- I don't see anything
3 either.

4 To -- to the extent that a bank in
5 Saudi Arabia during the 1998 to 2001 time period
6 determined that one of its accounts was being used for
7 criminal activity, was the procedure for it to report
8 that account to SAMA?

9 A. Yeah, I remember that requirement is to
10 the police and to the authorities and -- and SAMA.
11 Yeah, I remember, but I really -- not on top of my
12 head now. And SAMA, yeah.

13 Q. Well --

14 A. And those under SAMA, yes, I remember
15 that.

16 Q. And --

17 A. I recall something like that.

18 Q. And such a report, do you know whether it
19 might be accompanied with a request from the bank for
20 authorization to close the account?

21 A. I wouldn't presume that, because simply
22 the bank didn't have the ability to make an assertion
23 or to be sure 100 percent that it is derived from,
24 like, let's say, drugs.

1 So the bank just do some sort of
2 investigation. If you have a suspicious -- suspicion,
3 they report it to the -- to the authorities. The
4 authorities, they have the -- more -- more tools to
5 investigate and to see that person, suspected person,
6 is associated with drugs or -- or not.

7 Do you understand me?

8 And this -- the investigation takes also
9 time.

10 Q. Okay.

11 A. So how can you ask -- you -- you close an
12 account without -- and maybe he is innocent. Maybe
13 the account holder is innocent. Although some --
14 maybe the -- whatever triggered that, suspicious, but
15 it's not, no.

16 Even after 9/11, I mean, the banks don't
17 have -- are not -- don't have the luxury of just close
18 the accounts by themselves.

19 Q. To the extent a customer refused to
20 provide the information, the Know Your Customer
21 information required by the 1995 SAMA Guidelines,
22 could a bank refuse to open an account for that
23 customer during this time period?

24 A. I mean, I have to see examples, life

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1 examples. I cannot just KYC in general, you have to
2 specify, I mean, that KYC also asks for
3 identification, asks for not to be fictitious names,
4 so.

5 Q. Right. So let's assume, for example, an
6 individual customer comes in and says, I want to open
7 a small value account and I refuse to give you a copy
8 of my ID.

9 Would the bank in that -- in that
10 circumstance have been permitted to refuse to open the
11 account?

12 A. I mean, naturally -- how -- how can you
13 know his name if his name is -- he just put any name?
14 How do you establish that it is his name?

15 Q. So the account would not open, right?

16 A. My name is Fawzi and you are a banker, I
17 come to you, I want to open an account, but I'm
18 refusing to give you the ID. What is your name? I
19 will say just XYZ, not Fawzi. How come?

20 Q. Right. So in that --

21 A. That's a fictitious name. And this is
22 like --

23 Q. So in that --

24 A. -- that to the -- to the AML.

1 Q. So in that circumstance, the bank would be
2 entirely within its authority to refuse to open the
3 account, right?

4 A. I mean, if it's something material, yeah.
5 I mean, if it's a fictitious name, the bank is
6 forbidden from not only -- he doesn't just have the
7 luxury. He is forbidden from opening an account.

8 Q. And --

9 A. A fictitious name, I mean, just fictitious
10 name, no.

11 Q. And banks were entirely free and, in fact,
12 required to report to SAMA to the extent that they
13 believed a customer was using their account for
14 criminal activity, right?

15 MR. CURRAN: Objection as to form, lack of
16 foundation.

17 You may answer.

18 BY THE WITNESS:

19 A. No, I don't understand. A customer who
20 refused to --

21 BY MR. CARTER:

22 Q. No, no. I'm asking a different question.

23 A. A different -- a different question
24 completely or what?

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1 Q. Yeah. To the extent that the bank had
2 determined that a customer was using an account to
3 launder money, it would have been required to report
4 that to SAMA, right?

5 MR. CURRAN: Objection. Objection as to form.
6 You may answer.

7 BY THE WITNESS:

8 A. If they discover it. I mean, the bank
9 had -- doesn't have the capability to uncover all
10 money laundering transactions, and it happened all
11 over the world, I mean. I mean, banks have limited --
12 okay. They do their due diligence, but they cannot
13 guarantee that, in any bank in the world, that they
14 can just discover all money laundering transactions.

15 Not suspicious. I'm talking about money
16 laundering here that is 100 percent. Really, I
17 suspect that they can't, any bank.

18 BY MR. CARTER:

19 Q. Mr. Hobayb, you've offered an opinion that
20 banks in Saudi Arabia were not required to close
21 customer -- were not permitted to close or deny
22 customer relationships without authorization from the
23 regulator, right?

24 A. Can you cite me to whatever -- can you

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1 direct me to whatever words they say that, in what
2 context?

3 Q. "SAMA circular dated July 4, 1996,
4 indicates that banks were required to open an account
5 for any customer regardless of amount as long as
6 certain documentation requirements were met. From my
7 experience and my review of the then-applicable
8 regulations, I can confirm that a bank was only
9 permitted to close an account following requests from
10 authorities, following a client request, or else by
11 following the procedures related to dormancy based on
12 this circular."

13 Do you see that?

14 MR. CURRAN: Yeah, Mr. Carter, I just pointed to
15 that paragraph, that's Page 15, first full paragraph.

16 MR. CARTER: In his report.

17 BY THE WITNESS:

18 A. Yeah, because it's not on the screen.

19 THE WITNESS: This paragraph?

20 MR. CURRAN: First full paragraph. Yeah, I'm
21 going to point. Pre-9/11 --

22 THE WITNESS: Pre-9/11.

23 MR. CURRAN: -- he quoted some language from
24 that paragraph.

1 THE WITNESS: Okay.

2 BY THE WITNESS:

3 A. Can I have -- can I have a minute reading
4 it, Mr. Carter, please?

5 BY MR. CARTER:

6 Q. Sure.

7 MR. CARTER: And then if we can add up on the
8 screen, the first two sentences of the next paragraph
9 too.

10 MR. CURRAN: If you want to read what's beyond
11 this, you can look at the hard copy you have or this.

12 THE WITNESS: Yeah, okay.

13 MR. CURRAN: I am not rushing you, but when
14 you're done reading, you can say you're ready for the
15 question or --

16 BY THE WITNESS:

17 A. Yes, and even Mr. Carter, this is
18 confirmed in the AML, not to close the account even
19 for suspected -- suspected transactions, not allowed
20 to close the account.

21 BY MR. CARTER:

22 Q. And, Mr. Hobayb, the way the system
23 worked, as you described it, is that where illegal
24 anti-money laundering activity was suspect --

1 suspected, the bank was required to report that to
2 SAMA, right?

3 MR. CURRAN: Objection as to form, overbroad.

4 You may answer.

5 BY THE WITNESS:

6 A. Yeah, I need to refer to that, whatever
7 document, but, yeah, from the top of my head, yes, to
8 report --

9 BY MR. CARTER:

10 Q. Well, I'm reading from your report.

11 "In the cases where illegal AML activity
12 was suspected" --

13 A. Yes.

14 Q. -- "the bank was required to inform the
15 relevant authorities of the suspected activity."

16 That's what you say in your report, right?

17 A. Yes, but you are putting SAMA here, which
18 I need to refer back to the AML guidelines.

19 Q. Okay. The --

20 A. I remember -- I remember SAMA was in -- to
21 be -- being reported, but really, I need to see the
22 documents that I saw before.

23 Q. And in the event that a suspected illegal
24 AML activity was reported by a bank, the relevant

1 authority would then conduct an investigation, right?

2 MR. CURRAN: Objection as to form.

3 You may answer.

4 BY THE WITNESS:

5 A. Yes.

6 BY MR. CARTER:

7 Q. And that investigation could very well
8 lead to the closure of the account, correct?

9 A. Correct, yes.

10 Q. Now, do you know whether there was any
11 report of possible suspicious activity sent to the
12 relevant authorities concerning any account for
13 Al-Haramain at Al Rajhi Bank?

14 MR. CURRAN: Objection as to form.

15 You may answer.

16 BY THE WITNESS:

17 A. I don't know. I didn't -- I don't know.

18 BY MR. CARTER:

19 Q. Do you know whether Al Rajhi Bank made any
20 report of suspicious activity with respect to any IIRO
21 account it maintained?

22 MR. CURRAN: Objection as to form.

23 You may answer.

24 BY THE WITNESS:

1 A. I cannot. It's not for Al-Haramain at --
2 at that time, I mean. I mean, it's not even
3 conceivable to me that sending to the authority that
4 IIRO or Haramain is suspected for drugs. I mean, it
5 is not conceivable to me at that time.

6 BY MR. CARTER:

7 Q. What about Aqil al-Aqil, do you know
8 whether any report of suspicious activity was
9 transmitted to the relevant authorities with respect
10 to any account he held at Al Rajhi Bank?

11 MR. CURRAN: Objection as to form.

12 You may answer.

13 BY THE WITNESS:

14 A. I say again, same -- same answer. I
15 wouldn't -- I wouldn't suspect that Aqil al-Aqil,
16 being highly regarded in the society for helping the
17 poor people and having a charity, Al-Haramain charity,
18 he would be, I mean, suspected for drugs or something.
19 It's all so unconceivable at that time.

20 BY MR. CARTER:

21 Q. Well, you -- you talk a bit in your report
22 on Page 30 about the Aqil transactions, correct?

23 A. Can you direct me, please, to that?

24 MR. CURRAN: Yeah, Mr. Carter, if you're

1 shifting topics, I don't know if you are, but if you
2 are shifting topics, I would like to take a break
3 soon.

4 MR. CARTER: Sure. How long?

5 MR. CURRAN: Ten minutes.

6 MR. CARTER: Okay.

7 MR. CURRAN: Well, Unless -- yeah, I think --
8 yeah, ten minutes, ten minutes is okay.

9 MR. CARTER: That's great.

10 THE VIDEOGRAPHER: All right. We are going to
11 go off the record at 5:44 p.m.

12 (WHEREUPON, a recess was had
13 from 5:44 to 5:58 p.m.)

14 THE VIDEOGRAPHER: Back on the record at
15 5:58 p.m.

16 BY MR. CARTER:

17 Q. Mr. Hobayb, before we took a break, I was
18 directing your attention to the section of your report
19 beginning on Page 30, subheading (c), where you say:

20 "The Agil transactions outlined by
21 Plaintiffs' experts do not indicate to me that the
22 Bank failed to monitor suspicious activity."

23 Do you recall that section of your report?

24 A. Yes, sir. Can you display it, please?

1 Q. Sure.

2 THE EXHIBIT TECH: Sorry, this is the tech.

3 Could you possibly give me the section again, please?

4 MR. CARTER: Oh, sorry, Evan. It's on Page 30.

5 MR. CURRAN: You should say when you're ready to
6 have a question.

7 BY THE WITNESS:

8 A. Oh, I don't know which part of it. Is it
9 all (c) so I should read it all, or just part of it?

10 BY MR. CARTER:

11 Q. I just asked, Mr. Hobayb, whether you
12 actually recall the section of your report that
13 addressed the Aqil transactions, correct?

14 A. Yes, in general, yes. Yeah.

15 Q. Okay. And the section of the Winer report
16 here that you cite covers 8.13 through 8.21, right?
17 That's section -- Footnote 204.

18 A. Yes.

19 Q. Okay. And you say that:

20 "The transactions described generally
21 occurred intermittently over five years, and the
22 distribution of transactions over this time period
23 does not make the amounts unusual."

24 Do you see that?

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1 A. Okay. Yes, the amounts that were
2 described by -- in Winer's report, it was over five
3 years. And if you can see that -- if you can see in
4 the opening paragraph that larger transactions,
5 unusual patterns, things like this.

6 Go on, what is the question, please, so I
7 can --

8 Q. You are addressing here Mr. Winer's
9 assessments of cash transactions involving accounts
10 held in Aqil's name, correct?

11 A. Yes. Yes, sir.

12 Q. And with regard to those, you opine in the
13 second paragraph of this section of your report that
14 "the suspiciousness of large cash transactions is
15 based on relevant context"?

16 A. Can you highlight that?

17 Q. Sorry. They are going to highlight it,
18 yeah.

19 "...suspiciousness of large cash
20 transactions is based on relevant context, such as the
21 normal activity of a particular account and what the
22 bank knows about the owner of the account."

23 Do you see that?

24 A. Yes, sir.

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1 Q. And when you refer to the normal activity
2 of a particular account, are you referring to its
3 historical and traditional uses?

4 A. Everything, I mean, and the nature of the
5 customer. Everything.

6 Q. Okay. But you talk here both about the
7 nature of the customer, what the bank knows about the
8 owner of the account, and the normal activity of a
9 particular account.

10 When you're referring to the normal
11 activity of the particular account, are you referring
12 to its traditional and historical usage?

13 MR. CURRAN: Objection as to form.

14 You may answer.

15 BY THE WITNESS:

16 A. Part of it, yes, of course, of course.
17 But historical usage is part of knowing the customer
18 and knowing the nature of the activity, yes.

19 BY MR. CARTER:

20 Q. And part of what the bank knows about the
21 owner of the account would include the information the
22 bank is required to compile as part of its Know Your
23 Customer obligations under the 1995 SAMA Guidelines,
24 right?

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1 A. Well, in that -- in that era -- in that
2 era, the branch manager, branch personnel also
3 exercised continuous Know Your Customer through the
4 activities, through the routine activities.

5 Q. Right. But I'm asking, there were certain
6 requirements that Al Rajhi Bank was subject to under
7 the SAMA Guidelines to collect information about
8 individual customers, right?

9 A. Yeah, the AML -- you mean the AML 1995?

10 Q. Yeah, the 1995.

11 A. It has requirements, yes, many
12 requirements, many requirements.

13 Q. And I'm just looking at it, and I think --
14 hopefully we don't need to turn to it, but the '95
15 guidelines say:

16 "The bank should seek information on the
17 customer's business or job title and that the bank
18 should be aware of the sources of the customer's
19 deposits, particularly those of significant cash
20 amounts."

21 Do you agree with -- that those were the
22 requirements in place during the 1998 to 2001 time
23 period?

24 A. In general, yes. That's what it says,

1 like this, yes.

2 Q. And going on, in that same paragraph, the
3 final two sentences of your report say:

4 "I would presume that charities,
5 particularly during the 1990s, collected, deposited,
6 and disbursed many cash transactions from donors.
7 Saudi banking auditors such as myself, and other
8 individuals familiar with Saudi society, large cash
9 transactions in accounts associated with charities
10 would not have raised alarms before 9/11."

11 Do you see that section of your report?

12 A. I can see it.

13 Q. Okay. When you are talking here about
14 money collected from donors, what -- what kind of
15 donations are you referring to?

16 MR. CURRAN: Objection as to form.

17 You may answer.

18 BY THE WITNESS:

19 A. All donations. I mean, you -- you can see
20 that, for example, Haramain has -- has many -- many
21 accounts for different purposes that are specified in
22 their -- and I saw a list that shows different, like,
23 projects, objectives that Haramain has -- has put for
24 that.

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1 BY MR. CARTER:

2 Q. Okay. Well, I understand you to be
3 indicating in your report here the possibility that
4 the money deposited into Aqil's account may have been
5 comprised of cash donations to Al-Haramain, is that
6 correct?

7 A. Could you repeat the question again?

8 Q. I understand you to be indicating in this
9 section of your report the possibility that the cash
10 deposited into Aqil's account may have been comprised
11 of cash donations to Al-Haramain.

12 Is that correct?

13 A. May -- yes, yes, because, as you can see,
14 in other examples in the -- in the report that --
15 of -- for Winer that when they -- when they change --
16 when that -- when that Haramain asked to change the
17 account name from an actual person to a Haramain name,
18 that means that the -- the people associated with --
19 with the charities may also receive donations, be it
20 an Al-Qatiroh (phonetic) or any other person.

21 Q. And -- and, again, you're -- you're
22 indicating here a familiarity with how society --
23 Saudi society worked at the time.

24 Are you talking here about individual cash

1 donations from, you know, individual Saudi citizens?

2 MR. CURRAN: Objection as to form, overbroad.

3 You may answer.

4 BY THE WITNESS:

5 A. I -- I mean, I did not specify either --

6 either individuals or -- or something. I did not

7 really thought of -- of this question to be asked,

8 otherwise I would have looked at it like this.

9 But, I mean, donations from any donor,

10 from any donor, even from -- even from other, I mean,

11 entities, from -- from companies. Maybe a company

12 wants to donate to Al-Haramain, maybe. I don't know.

13 BY MR. CARTER:

14 Q. Do you think during this time period that

15 a company that wanted to donate to Al-Haramain would

16 hand the money over in cash?

17 A. See, give me an example. I mean, I cannot

18 really assess anything.

19 Q. Okay. Well, you are the one -- you're --

20 A. You're relating -- you're relating the

21 cash -- you are relating the cash to whether it's

22 being individual or non-individual, right? Is this

23 what you mean?

24 Q. No, no. What I'm asking is that, you have

1 raised the possibility in your report that based on
2 how Saudi society worked at the time, the money
3 deposited into Agil's account may have consisted of
4 cash donations to Al-Haramain, that's what you have
5 said, right?

6 A. Yeah. Haramain --

7 Q. Okay. So from what I understand, what you
8 know about Al-Haramain's collection processes that
9 supports that theory, were you familiar with how
10 Al-Haramain collected money?

11 A. I -- I have a general idea about -- I'm
12 not special -- specialized in charities by themselves,
13 about the operations of the charities, but I am an
14 auditor. I am an expert auditor, not -- not -- I
15 imagine all -- all -- at that time being a -- very,
16 very much more than now, cash-based society, all
17 charities, they -- they open the mean for -- for
18 donors to -- to donate, even if they go to the office
19 of the -- of the charity and give them in cash. So
20 it's all means that are there.

21 Q. What were -- do you know what the most
22 common denominations of Saudi currency were in terms
23 of actual usage in the '90 to 2001 time period?

24 MR. CURRAN: Objection as to form.

1 You may answer.

2 BY THE WITNESS:

3 A. Do you mean what's the cash transaction?

4 BY MR. CARTER:

5 Q. Yeah. No, yeah. What -- so, for
6 instance, in the United States we have a hundred
7 dollar bill, but it's not all that common for people
8 to use them.

9 What were the denominations in
10 Saudi Arabia during this time period that were most
11 commonly used?

12 MR. CURRAN: Objection as to form.

13 You may answer.

14 BY THE WITNESS:

15 A. Five -- the 500 riyal, I know that the
16 biggest note is 500 riyal. One note, 500 riyal, which
17 is equivalent to a little bit maybe less than 200
18 dollar. This is the biggest note now we have.

19 BY MR. CARTER:

20 Q. Yeah. How common was that in usage during
21 the 1998 to 2001 time period?

22 A. I really forgot when was the 500 riyal was
23 introduced to the -- to the market by the government,
24 but it's being used too many times. I mean, if it's

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1 there, if it's bad cash -- big cash, I would imagine
2 it's -- it's better to be in the 500 riyal notes. So
3 the size will be -- so the size will be smaller.

4 Q. So if -- if the -- if the deposit consists
5 of money given by individual donors, are you
6 suggesting that the individual donor contributing to
7 Al-Haramain would have been using a denomination on
8 the order of \$200 to make a donation?

9 A. I really can't speculate. I don't know.
10 I don't know what transaction took place. I don't
11 know at the time the transaction, how well the
12 contribution -- the donation was -- was done. Was it
13 in 500, was it in 100, I really don't know.

14 Q. What were the -- what were the smaller
15 denominations in use at the time?

16 A. Paper notes or --

17 Q. Yeah, paper notes.

18 A. One riyal.

19 Q. Okay. What were the other denominations?

20 A. We have, like, a half riyal, quarter
21 riyal.

22 Q. What about a one riyal?

23 A. Ah, five -- five riyals, two riyals, 50
24 riyals, 100. And there is the 200, but I'm sure that

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1 200 was introduced post-9/11. And the 500, the 500,
2 I'm sure it was since long time, but I really don't
3 know when did it start.

4 Q. And so to the extent that these deposits
5 were comprised of money given to Al-Haramain by
6 individual donors, wouldn't it be natural to expect
7 that there would be a whole variety of denominations
8 within the -- the total deposit?

9 A. I cannot speculate, Mr. Carter. I cannot
10 speculate. I really don't know that. I can't -- I
11 can't imagine how the donor came with the cash and...

12 Q. Okay. So to the -- to the -- to the
13 extent you are offering an opinion that these were
14 comprised of donations to Al-Haramain, you don't have
15 any familiarity with how Al-Haramain went about
16 collecting donations, do you?

17 A. I know --

18 MR. CURRAN: Objection as to form.

19 You may answer.

20 BY THE WITNESS:

21 A. I know all -- all charities, they -- they
22 are -- they publish their account, bank account
23 numbers in the newspapers. They have offices to also
24 receive donations in -- in the form of checks or in

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1 the form of cash. This is the -- the thing I know.

2 BY MR. CARTER:

3 Q. Now, you indicate later in this section
4 that:

5 "The transactions described generally
6 occurred intermittently over five years, and the
7 distribution of transactions over this time period
8 does not make the amounts unusual."

9 Do you see that?

10 A. Yes, I see that, taking into
11 consideration -- are we talking now here about Agil or
12 Haramain itself?

13 Q. Well, you're -- you're talking here about
14 the transactions in the Agil accounts. It's your
15 report.

16 A. Yeah, yeah. I mean, five years, I
17 don't -- it doesn't really trigger any -- any alarm.
18 And being Agil is highly regarded in the society for
19 being associated with a charity that is helping
20 people, no, I haven't. Agil -- I'm sure Agil has a
21 banking with the bank or -- and maybe at other --
22 other banks also for a period prior to these
23 transactions so that they know. I mean, Agil, I would
24 presume, he is known by many branch managers and

1 personnel in Al Rajhi or -- or any other bank that he
2 deals with.

3 So I wouldn't -- I wouldn't see that this
4 snapshot of transactions would trigger suspicions that
5 Agil is dealing in drugs.

6 Q. Okay. Well, let's -- let's talk about a
7 couple of things here, Mr. Hobayb, because you're
8 jumping away from the section I'm talking about.

9 You talk in this sentence about the
10 fact -- the fact that: "The transactions...occurred
11 intermittently over five years, and the distribution
12 of transactions over this time period does not make
13 the amounts unusual."

14 When you're talking about the distribution
15 of transactions, are you referring to the timing and
16 concentration of the transactions?

17 A. Yeah, because I'm -- I'm rebutting here to
18 some -- I guess I'm rebutting to some rationale that
19 saying, see how those amounts were occurred. I --
20 I -- I remember that some of the amounts were occurred
21 almost on a daily basis. But, again, still, they
22 don't -- they don't trigger, taking into consideration
23 that Agil is associated with charity, highly regarded
24 and not conceivable to associate him with drugs.

1 And -- and -- and also we have to be reminded that
2 everything was -- is about the sources of funds and
3 being it's from --

4 Q. Okay. I'm --

5 A. -- from drugs or illegal act --
6 activities. So all -- all of this collectively
7 doesn't -- and I appreciate that some of the
8 transactions that in al-Aqil occurred, some of them
9 maybe on a daily basis or something, as I recall, I
10 don't remember. But, still, I mean, his banking
11 relation -- banking relationship with the bank.

12 And so it's not just you take the -- those
13 consider -- repeated transactions on a daily basis for
14 a series of -- some period -- a period of time and you
15 isolate it from all other content and information.

16 Q. Mr. Hobayb, I'm asking you about things --

17 A. So to me --

18 Q. -- that you say in your report. So let
19 me -- let me -- let me ask you about your report and
20 this statement.

21 The particular statement here cites, and
22 is support for your opinion, the -- the claim that:

23 "The transactions generally occurred
24 intermittently over five years, and the distribution

1 of transactions over this time period does not make
2 the amounts unusual."

3 Focusing on that statement in your report,
4 is it correct that the transactions cited in
5 Mr. Winer's report generally occurred intermittently
6 over five years?

7 MR. CURRAN: Objection as to form. I object in
8 particular to the commentary that preceded the
9 question. I object to the characterization of the
10 prior answer.

11 Mr. Carter, the paragraph you are
12 referring the witness to begins with "With this
13 context in mind," and then you are accusing Mr.
14 Al-Hobayb --

15 MR. CARTER: Mr. Curran, please stop testifying.
16 He specifically offered an opinion based on the timing
17 and distribution of the transactions. I am entitled
18 to ask him about that statement --

19 MR. CURRAN: He is entitled to provide the
20 context.

21 MR. CARTER: -- and his understanding of that
22 statement.

23 MR. CURRAN: He is -- he is entitled to provide
24 the context, which is part of the paragraph you are

1 referring him to. But the witness may answer.

2 BY THE WITNESS:

3 A. Well, take -- take my -- take my paragraph
4 in totality, in addition to the previous comment here,
5 you can just continue reading the paragraph.

6 "Additionally" -- what does it say? You can read it
7 yourself:

8 "Additionally, Aqil's affiliation with the
9 charity would have been well-known."

10 So --

11 Q. And, Mr. Hobayb, you say that --

12 A. I cannot --

13 Q. -- the transaction --

14 A. Excuse me. Let me interrupt you, please,
15 sir. My apologies for this interruption, but
16 just don't take one line and just omit the other
17 lines.

18 Q. Okay. Well, Mr. Hobayb, you say that the
19 trend --

20 A. Read -- read the whole paragraph, please.

21 Q. Mr. Hobayb, I am entitled to ask you about
22 assertions you make in your report. You say in your
23 report that the transactions addressed by Mr. Winer
24 generally occurred intermittently over five years.

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1 Is that correct?

2 A. Yes, sir. This is what I saw in the
3 account statements, yes.

4 Q. Didn't you just acknowledge in earlier
5 testimony that there was a significant concentration
6 of cash deposits on an almost daily basis during a
7 certain period of time?

8 A. Yes, I remember saying something like
9 that.

10 Q. Okay. And you acknowledge in your report
11 that the timing and distribution of transactions is
12 relevant in assessing whether or not they're
13 suspicious, right?

14 A. One of the relevant elements. Also,
15 knowing the customer is.

16 Q. And in terms of knowing the customer,
17 you've gone to this a few times now, you say that Aqil
18 was well known during this time period.

19 Is that my understanding?

20 A. This is my understanding because he was
21 associated with the -- because all cash transaction
22 were associated with knowing the customer itself, and
23 Aqil was known for charity. And being a cash-based
24 society and knowing that charities use a lot of cash

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1 for -- either for -- for -- from don- -- from donors
2 or as disbursements to -- to the poor people and the
3 needy people, then just take them to the -- it's not
4 out of context. I mean, you have to relate it to the
5 context.

6 Q. Okay. And -- and did you know Aqil
7 al-Aqil during this time period?

8 A. Personally, no.

9 Q. Did you know who he was?

10 A. I remember -- I remember Aqil was a
11 Haramain charity, something, yeah, at that time, at
12 that time period.

13 Q. So Al-Haramain was a prominently known
14 organization?

15 A. Generally, yes, I think so.

16 Q. Was there a lot of information available
17 about it in the public domain?

18 A. I didn't recall, but -- I didn't recall.

19 Q. Okay. And you say that "Aqil's
20 affiliation with the charity would have been
21 well-known," right?

22 A. What is that?

23 Q. You say in your report: "Aqil's
24 affiliation with the charity would have been

1 well-known," right?

2 A. Yes, yes, for sure. Bank personnel, I'm
3 sure they do.

4 Q. Okay. And the bank personnel would have
5 then known that Aqil was an employee of the charity,
6 right?

7 A. He was head of the charity, yes.

8 Q. Well, they would have known he was an
9 employee of the charity, right?

10 MR. CURRAN: Objection as to form.

11 BY THE WITNESS:

12 A. I don't -- I don't remember, I mean, what
13 was -- I mean, he was head of the charity. He was
14 managing the charity, I think so. From the papers,
15 the documents, they show that he was authorizing
16 the -- instructing the bank for -- when opening an
17 account, authorizing signatories, things like this.
18 So he's...

19 BY MR. CARTER:

20 Q. And -- and the bank would, therefore, know
21 that Aqil's sources of personal income would be his
22 salary from the charity, right?

23 MR. CURRAN: Objection as to form.

24 You may answer.

1 BY THE WITNESS:

2 A. Well, I mean, there are employees who
3 receive salaries and they have some -- some people
4 they have business activities, at the same time
5 different sources. I mean, it's not all just a
6 salary, no. Maybe business -- businesses.

7 BY MR. CARTER:

8 Q. The SAMA Guidelines require that Al Rajhi
9 Bank to have an understanding of his job and the
10 sources of his deposits, particularly those in
11 significant cash amounts, right?

12 A. Which part of SAMA Guidelines?

13 Q. It's the SAMA Guidelines, the 1995 SAMA
14 Guidelines on 139, concerning "personal account for an
15 individual."

16 A. Can you display it, please?

17 Q. Sure.

18 THE EXHIBIT TECH: This is the tech. Was that
19 exhibit -- or Tab 24 that we were looking at?

20 MR. CARTER: Oh, yeah, it's Tab 1R, and if we go
21 to the page handwritten 139, Evan.

22 THE EXHIBIT TECH: Great. Thank you, sir.

23 BY MR. CARTER:

24 Q. Okay. And do you see where it says

1 "Personal Account for an individual"?

2 A. Show me.

3 Q. It's about two-thirds of the way down.

4 These are the SAMA Guidelines you cite
5 quite a number of times in your report, right,
6 Mr. Hobayb?

7 A. Yeah, I'm just trying to just read to
8 refresh, please.

9 Yeah, which -- which bullet point?

10 Q. Okay. And so under these Know Your
11 Customer requirements, Al Rajhi Bank was required to
12 seek information on Aqil's business or job title,
13 right?

14 A. Yes.

15 Q. Okay. And his job title during the time,
16 as I understand it, was director of Al-Haramain
17 Foundation, right?

18 A. I don't know at the opening of his account
19 when was that and...

20 Q. You didn't evaluate what information Al
21 Rajhi Bank had in its possession concerning Aqil
22 al-Aqil's job?

23 MR. CURRAN: Objection as to form.

24 You may answer.

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1 BY THE WITNESS:

2 A. No. He is the head of that at the time of
3 the -- do you have the date of what time he opened the
4 account?

5 BY MR. CARTER:

6 Q. Well, you've -- you've conducted an
7 assessment here about whether or not the transactions
8 were suspicious. As I understand your testimony, part
9 of assessing whether or not they're suspicious --

10 A. Yes.

11 Q. -- would be determined by what the bank
12 knows about the customer --

13 A. Yes.

14 Q. -- his job and his sources of income,
15 right?

16 A. Banks should seek information about
17 (indiscernible, reading to self).

18 Are you referring to the second bullet
19 point?

20 Q. I am.

21 A. Okay.

22 Yeah, that's -- yeah, okay. They are more
23 or less the same.

24 Q. Okay. And they should also have an

1 understanding of the sources of the customers'
2 deposits, particularly those of significant cash
3 amounts, right?

4 A. The third bullet point?

5 Q. Yes.

6 A. No. The Arabic one is -- is different.
7 It says that --

8 Q. What does the Arabic one say?

9 A. It says that the sources at the account
10 opening time -- at the account opening.

11 Q. Okay.

12 A. Especially large deposit, I mean, you open
13 an account with very large deposit, because you don't
14 know the customer, from where he got the money, and he
15 wants to open an account. And it is logical, very
16 logical.

17 Q. Okay. If we turn then to 150 of the
18 document, the Al Rajhi was also required to pay
19 attention to indicators of possible money laundering
20 and illegal activity, right?

21 A. Yeah, the general indicators is the AML
22 1995, yes, the general indicator.

23 Q. And one of those is large withdrawals or
24 deposits inconsistent with customer's activities,

1 right?

2 A. Large deposits of checks?

3 Q. The last one, large withdrawals or
4 deposits inconsistent with customer's activities.

5 A. Yes, and this is -- see, this is also
6 another proof that knowing the customer -- the nature
7 of the customer is you just -- you don't just take the
8 amount as isolated thing. You always have to relate
9 it to a context, to --

10 Q. And the context here for Al Rajhi Bank
11 would include the historical usage of the account,
12 right?

13 A. All information, all information.

14 Q. It would also include the nature of Aqil's
15 job, right?

16 A. Yes.

17 Q. And the sources of his personal income,
18 right?

19 A. Yes.

20 Q. Okay. Did Aqil al --

21 A. And you are assuming -- let me complete,
22 please.

23 Q. Sure.

24 A. I believe there is -- here you are

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1 assuming that Agil has only -- is only the salary.
2 Maybe the -- the branch employees know that Agil is
3 doing some real estate business, for example, or
4 whatever.

5 Q. You're just speculating?

6 A. If you have evidence of otherwise, please
7 do.

8 Q. Well, do you -- do you have any
9 evidence --

10 A. I didn't see -- I didn't see evidence.
11 This is the norm. This is the norm. I mean, that,
12 you know, you always interact with your customers.
13 Customers, you -- not like now. Now -- now everything
14 is in the application. In the apps, you can just do
15 banking and things like this.

16 In that era, you have to go and visit the
17 bank to do things.

18 Q. So --

19 A. So there was much more opportunity that
20 you know the customers. I mean, mostly, I -- I think,
21 a customer like al-Agil, he goes to the branch manager
22 who is the routine branch manager. And, for example,
23 if he deposits or withdrawal or whatever like this, he
24 checks with him so they get to know him. So that they

1 get to know him.

2 Q. Okay. So you think that there would have
3 been direct interaction between the branch manager and
4 Aqil with regard to the transactions of this nature?

5 A. No. I mean -- I mean, when he -- when he
6 wants to bank, some -- some people, they just go and
7 visit the branch and bank with the branch. They do
8 transaction at the -- at the branch, especially
9 that -- the electronic means at that time were not
10 like -- look like now. It was -- a lot of things
11 were -- were manual.

12 Q. Mr. Hobayb --

13 A. So it's -- it's very conceivable that --
14 that -- that the branch personnel know -- know Aqil
15 and his nature of business better than you and I.

16 Q. Yeah. Mr. Hobayb, isn't it true that the
17 money laundering protocols focused not only on the
18 identity of the -- of the customer but also the nature
19 of the transaction?

20 A. Yeah, in general, in context it talks
21 about many things, I mean, yeah. What do you mean by
22 the amount of transaction? I mean, even everything, I
23 mean. I need an example to understand what you mean.

24 Q. Well, isn't part of the reason that the

1 system is set up that way is to avoid people relying
2 upon their prejudices and assumptions about customers
3 and ensuring that they're actually conducting some
4 objective evaluation of best possible involvement of
5 money laundering?

6 MR. CURRAN: Objection as to form, lack of
7 foundation.

8 You may answer.

9 BY THE WITNESS:

10 A. I didn't understand what this -- the AML
11 1995 is clear, if I -- if I heard what you say. I
12 mean, the bank has to comply with it. The bank did
13 what it has to be done based on what I saw to draw
14 my -- my opinion. And I have put my -- the basis how
15 I derive my opinion and that -- and this is...

16 BY MR. CARTER:

17 Q. Mr. Hobayb, Aqil al-Aqil was a person,
18 right? He is not himself a charity?

19 A. He is not what?

20 Q. He is not himself a charity. Aqil al-Aqil
21 is a person, right?

22 A. I know, yes, he is a person, yes.

23 Q. Okay. And Aqil al-Aqil is not himself a
24 charity, right?

1 MR. CURRAN: Objection as to form.

2 BY THE WITNESS:

3 A. I don't -- I don't know.

4 BY MR. CARTER:

5 Q. And in order for banks to maintain
6 accounts for charities during this time period, they
7 need to verify that the charity was licensed, right?

8 A. Yes, yeah.

9 Q. Okay. Was Aqil al-Aqil licensed as a
10 charity?

11 MR. CURRAN: Objection as to form.

12 You may answer.

13 BY THE WITNESS:

14 A. He is a -- he is a person. But I can tell
15 you something about the society at that time, and even
16 now, that you give your do -- your donation to a
17 person who can just distribute it to -- to the poor
18 people.

19 BY MR. CARTER:

20 Q. Okay.

21 A. You -- you understand my -- my question?

22 And -- and this is a -- and those are
23 examples that Winer has -- has put that -- about the
24 Al-Haramain requests -- requested to change the

1 account name from the individuals associated with them
2 to the -- to the charity. This to me indicates that
3 there are charity -- charities or donations come by
4 people maybe know those people because they are highly
5 regarded persons maybe in their areas or their cities
6 or whatever, like this, and deposited in his account.

7 This is what I presume. This is what I
8 read. This is my assumption on this.

9 BY MR. CARTER:

10 Q. But these are -- these are cash deposits,
11 right?

12 A. Which deposits you are talking about?

13 Q. Well, the section of your report that we
14 are discussing addresses cash deposits, largely cash
15 deposits into Aqil's account, right?

16 A. In Aqil accounts?

17 Q. Yes.

18 A. What about -- what about --

19 Q. Well, the section of your report we've
20 been discussing concerns your assessment of cash
21 deposits into Aqil's account, right?

22 A. Yes.

23 Q. And you're speculating that the money
24 deposited may have been comprised of donations to

1 Al-Haramain, right?

2 A. Maybe.

3 MR. CURRAN: Objection as to form.

4 You may answer.

5 BY THE WITNESS:

6 A. Maybe. Maybe business. I cannot
7 speculate.

8 BY MR. CARTER:

9 Q. How many -- how many accounts did
10 Al-Haramain have in its own name at Al Rajhi Bank in
11 1999?

12 A. I don't recall. I don't recall now how
13 many, but there -- there are many.

14 Q. So Al-Haramain had its own accounts for
15 carrying out any charitable work it was licensed to
16 do, right?

17 A. Yes.

18 Q. Why would Al-Haramain's banking activities
19 be carried out through a personal account in the name
20 of Aqil?

21 A. I can't speculate. Maybe that -- that
22 person before being associated with the -- with
23 Al-Haramain, maybe he was getting donations and
24 disbursing it to more people, and then they decide

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1 to -- that funds to be in a Haramain, the cash or the
2 transactions, donations contributed in his name at
3 certain point of time, and Haramain management decided
4 that to fix things and to change the name from the
5 person to the -- I mean, I cannot speculate, but this
6 is just one of the assumptions.

7 Q. Okay. You -- but you can't -- you don't
8 know?

9 A. No, I don't know.

10 Q. And based on all of your experience as an
11 auditor, isn't it a concern where there's evidence
12 that a person's account is being used to carry out
13 affairs on behalf of someone other than the account
14 holder?

15 MR. CURRAN: Objection as to form.

16 You may answer.

17 BY THE WITNESS:

18 A. Do you mean somebody else is managing
19 somebody else's account or what? I don't know what it
20 is.

21 BY MR. CARTER:

22 Q. I'm saying that there's an account in the
23 name of one person, and in reality the money flowing
24 through that account is actually money of some other

1 party?

2 A. It depends on the scenario. I don't know.

3 Q. It's a possible -- it's a possible red
4 flag, right?

5 MR. CURRAN: Object as to form.

6 You may answer.

7 BY THE WITNESS:

8 A. I have to get real -- real example so I
9 can assess. It is not just -- I cannot re --

10 BY MR. CARTER:

11 Q. Let me go back.

12 Looking at the -- one of the Agil's
13 accounts in issue, and we're talking about Tab 14
14 here, the document previously marked as ARB 49.

15 (WHEREUPON, a certain document was
16 marked Fawzi Al-Hobayb Deposition
17 Exhibit No. 10, for identification,
18 as of 02/09/2024.)

19 BY MR. CARTER:

20 Q. Mr. Hobayb, tell me when you have that in
21 front of you.

22 A. I have the English one, but I am waiting.
23 Is there another one or no? But anyway, please, go
24 ahead, Mr. Carter.

1 Q. There is the Arabic behind it.

2 Is this one of the Aqil's account
3 statements that you reviewed in connection with your
4 opinions about whether transactions associated him --
5 with him were suspicious?

6 A. By the way, is it the same version, the
7 Arabic and the English? They're not, Mr. Carter.
8 Should I look at --

9 Q. Well, that's the second page of the Arabic
10 and the -- now you're on the same page with the two
11 documents.

12 A. Oh, okay.

13 Okay. Go on. I think I have it. I saw
14 this. I think I saw it, yes.

15 Q. And this is -- this is one of the -- or
16 this is -- this document reflects a set of the
17 transactions that Mr. Winer addressed in his report
18 and that you address in your report, right?

19 A. This is I think the one that's over five
20 years. Is this that account, right?

21 Q. Well, there's two accounts that Mr. Winer
22 addressed, and -- and between them they span a period
23 of five years. This particular account, I believe,
24 spans a little more than two years.

1 A. I remember I saw an acc- -- an account
2 that from the beginning, the start was, like, five
3 years and a total --

4 Q. Okay. Well, there were a couple of
5 accounts. This is one of the ones that Mr. Winer
6 commented upon and that you were responding to.

7 A. Okay.

8 Q. And it's my understanding is that the
9 information we have on this account is that we have
10 a -- our information about it begins on January 10th,
11 1998, and that the last transaction reflected -- well,
12 it is March 2nd, 2002.

13 A. You talk about transactions. Now you talk
14 about the statement attached or the statement provided
15 here?

16 Q. Yeah, it's -- it's -- that's the period of
17 activity.

18 A. Okay, sir.

19 Q. Okay. And did you review this?

20 A. I remember, yes.

21 Q. And beginning with the -- the transaction
22 activity that we see and account activity that we see
23 between January of 1998 through March 15th of 1999, do
24 you agree with me --

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1 A. What period is it?

2 Q. It's from the first transaction on the
3 first page, which is dated to January 10, 1998, as I
4 understand it, and continuing through the first
5 transaction on the second page which is dated to March
6 15th, 1999.

7 Do you follow the period I'm referring to?

8 A. Yes, although the Arabic one is in Hijri,
9 we call it Hijri calendar, not in Gregorian, but I
10 would assume that the -- that that conversion is -- is
11 correct.

12 Q. Okay. So --

13 A. The behavior of the -- of the statement in
14 the English, the English one, and even in the Arabic
15 one, says this statement is from January 1st, 1998,
16 until December 31st, 2002.

17 Q. Yeah, that's the --

18 A. So this is over five years.

19 Q. Right. That's the total span of the
20 transaction history reflected in the document, right?

21 A. Or the history of the -- I mean, the
22 transactions of -- of Agil depends on how many years
23 he was banking with the -- before this statement. I
24 mean, you have transactions before this statement,

1 many transactions after this statement, yeah, but I
2 forgot, yeah.

3 Q. For purposes of assessing whether or not
4 activity in this account was suspicious, did you
5 assess the historical usage of the account?

6 A. I was rebutting to a report. I mean, why
7 it is suggested based on this statement that he had
8 comment on it, so I have to go back to that.

9 Q. Okay. But -- but one of the factors that
10 you've acknowledged to me is relevant in assessing
11 whether or not a transaction or set of transactions is
12 suspicious is how the account was historically used,
13 right?

14 A. Part of knowing the customer. I mean,
15 part -- for example, when you -- the two accounts,
16 this is only from my memory, the two accounts, one
17 reached, like, 15 million or 17 million. The other
18 one also reached balances like -- like this.

19 So it's a -- there are activities in
20 his -- in his account. I mean, even those act -- even
21 these numbers. I mean, when you say this is a large
22 amount or not a large amount, this is -- you have
23 to -- it is not -- you have to relate it to something
24 else.

1 Q. Okay.

2 A. Not every cash -- not every cash deposit
3 into the account --

4 Q. And part of the something -- part of the
5 something else you would relate it to is the
6 historical activity in the account, right?

7 A. Yeah, part of the -- part of the
8 customer's relationship with the bank. I mean,
9 when -- when you -- when you -- maybe I should explain
10 it in this way.

11 When you see these -- if you want just to
12 see a snapshot or to assist a snapshot of these
13 amounts with isolation of all, omitting everything
14 else, knowing the customer, knowing the relationship
15 with the customer, knowing the business -- that the
16 branch person -- personnel know their -- some of his
17 businesses, connection with that, with the charity.

18 But if you want to just to isolate only
19 these, yes. Is -- the question is, maybe he has same
20 like these amounts in different time periods. So just
21 having these amounts, and we assess it that every --
22 let's say -- let's say over certain period of time
23 that there are cash deposits every day. Wow, this is
24 suspicious. No, it's not. It may not be suspicious.

1 Take into consideration all other things.

2 Let me tell you a story. A jewelry shop,
3 jewelry shop sells, especially at that time, a lot in
4 cash. So it's very conceivable that on a daily basis
5 the jewelry shop deposits in his -- their bank account
6 at the bank 2 million riyal every day. It's
7 conceivable.

8 Q. Yeah, but he is not a jewelry shop, is he,
9 Mr. Hobayb?

10 A. Yeah. I'm just giving you a flavor of how
11 you relate the amounts to the -- to the person.

12 Q. Right. And part of that -- part of that
13 is assessing how the account was historically used
14 leading up to the set of transactions at issue, right?

15 A. Maybe, yes.

16 MR. CURRAN: I object to the repeated
17 interruptions, but continue.

18 BY THE WITNESS:

19 A. I mean, part -- part of it. For me, I
20 mean, I'm not the bank personnel at that time, but,
21 yes, maybe. It may be helpful.

22 BY MR. CARTER:

23 Q. We -- the information we have available to
24 us begins in this case from January of 1998.

1 Did you ask for information concerning the
2 usage of the account prior to that date?

3 A. I did not even think to ask about it
4 because al-Aqil is just a -- at that time and every --
5 and pre-9/11 all the focus, as I said, Mr. Carter, was
6 on drugs and -- and sort of like this.

7 Having -- and even the charities were not
8 in the -- in the radar at that time globally. Even
9 Al-Haramain -- even Al-Haramain -- let me complete,
10 please, my sentence.

11 Even Al-Haramain itself, they have one or
12 two offices and operations in the US. They were --
13 they were closed in 2004.

14 You understand -- you understand that how
15 the cash -- how -- how -- how people or how that
16 society visioning this, even banks. If you -- if you
17 don't have suspicions that -- that Aqil himself is
18 associated with drugs, and at the same time what's
19 available to you is -- this is -- you all -- you
20 need -- you only need to focus on sources of funds and
21 knowing what the customer is.

22 Q. Yeah, and let's try and do that,
23 Mr. Hobayb.

24 A. Yeah, this is what I'm trying to do.

1 Q. Let's look at -- let's look at the
2 information we have about this account, which is what
3 I'm trying to do. And during the period from January
4 of 1998 through March of 1999, do you agree with me
5 that the total balance in the account was at its
6 highest point 30,194 riyals and 72 cents -- I'm sorry,
7 that's not -- I'm looking at the wrong thing.

8 That the total balance in the account
9 during this January of 1998 through March of 1999
10 period never exceeded 29,458 riyals and 94 cents, and
11 hit a low point in March of 1999 of minus 1,207.11
12 riyals?

13 MR. CURRAN: Objection as to form. Also, I
14 don't think the witness can see that from this slide
15 that's on the scree.

16 BY THE WITNESS:

17 A. Yeah, I don't see it. I didn't see any.
18 It was talking something that I couldn't see.

19 What is the question?

20 BY MR. CARTER:

21 Q. I'm asking the point -- the question about
22 whether you agree that between January of 1998 and
23 March of 1999, the -- the value in Aqil's account
24 never went above 29,458 riyals, a little bit of

1 change, and hit a low point on March 15th of 1999 of a
2 little over negative 1,207 riyals?

3 MR. CURRAN: To answer that question, you'd have
4 to scroll through the full document.

5 BY THE WITNESS:

6 A. Yeah, I'm sorry, Mr. Carter, I got
7 confused. This is the start of the -- okay. I will
8 go, Mr. Carter, from January 1st.

9 Let me just explain it to you. You just
10 stop me at the portion that you -- you want me to stop
11 at.

12 How do I scroll down, like this? Ah,
13 okay.

14 Okay. So this is January 1st, 1998.
15 Okay. The balance was a million, 2 million, 3
16 million, 4 million, 4 million. Okay. Then continue.
17 The balance is like --

18 Q. Mr. Hobayb, I'm trying really hard to
19 focus you on a period of time here that's reflected in
20 the accounts from the date at the top of the English,
21 which is January 10th, 1998, on the first page,
22 through the date March 15th of 1999, which is the
23 first page of ARB 1455.

24 A. Let me go back here.

1 Of course, they have here the Hijri
2 calendar and here the Gregorian, so I get really
3 confused. But here it is starting --

4 Do you -- do you mean from the opening
5 date to March 1999?

6 Q. We don't -- I think to be fully accurate
7 here, I don't think we have the opening date of the
8 account, because under the discovery process, we only
9 have access to what happened between January 1st of
10 1998 and December 31st of 2002.

11 So what we have here is extracted account
12 information for this account covering that period, and
13 I'm asking if you can look at the set of transactions
14 that occurred and the activity in the account from
15 March 10th of 1998, which is the first entry we have,
16 through --

17 A. Okay.

18 Q. -- I'm sorry --

19 A. Okay. This date, this date corres- --
20 corresponding, okay. I think this is the one:
21 10,000, then 1,000, then 900, then -- then 260, then
22 2,200 transactions, then 29,000, then 1,000. Okay.

23 Q. Okay. So during this period from
24 January 10th of 1998 through March 15th of 1999, which

1 is a little over a year --

2 A. And the last transaction was what, 100, so
3 I can just scan between the two documents, please --

4 Q. The --

5 A. -- if I have time, maybe, but because --

6 Q. It's 1500 -- it's a withdrawal of 1,590
7 riyals, is the last transaction in the period, the
8 deduction of -- deduction of credit card dues.

9 A. Yes, okay. Now I got it.

10 Q. Okay.

11 A. I'm thankful you for that.

12 Q. So -- so during this span of about
13 14 months, do you agree with me that the highest
14 account balance that is reached in this Aqil account
15 is 29,458 riyals and a little change?

16 A. Yes.

17 Q. Okay. And during this period, the account
18 reaches a low point on March 15th of 1999 of a little
19 over negative 1,207 riyals?

20 A. Yeah, whatever.

21 Q. And so that is the -- the snapshot of the
22 activity we have in the account for a little over a
23 year, right?

24 A. For a certain period of time for one

1 account.

2 Q. And then as we've discussed, beginning on
3 May 5th, 1999, and continuing --

4 A. Which -- which transaction starts with,
5 because this is --

6 Q. The -- the transaction that starts is the
7 deposit on May 5th of 1999 in cash of 440,792 riyals.

8 A. Okay. Yeah, I got it. I can see it, yes.

9 Q. And -- and that happens on May 5th, right?

10 A. I would presume the conversion is correct.

11 Q. Okay. Well, assuming the conversions are
12 correct, we have that deposit on May 5th, then on
13 May 6th we have another cash deposit of 676,708
14 riyals, correct?

15 A. Yes, sir.

16 Q. And then on the 8th, two days later, we
17 have deposit of 1,259,430 riyals, right?

18 A. Yes, sir.

19 Q. And then we have another cash deposit the
20 very next day of 684,044 riyals, right?

21 A. Okay.

22 Q. And then the day after that, we have
23 another cash deposit by Aqil of 690,340 riyals,
24 correct?

1 A. Okay.

2 Q. Do you agree?

3 A. This is what I see in the document in
4 front of me.

5 Q. And based --

6 A. I reviewed the -- I reviewed the Arabic,
7 but I -- I would presume this is correct, the
8 translation is correct. I don't know.

9 Q. Yeah, and this -- Mr. Hobayb, your report
10 was written in English, right?

11 A. Yes.

12 Q. Okay. And so you -- you are proficient in
13 reading and writing English, right?

14 A. Yes, to a certain extent. But because
15 there are -- there are -- you are talking here about
16 account statements, bank account statements. You are
17 talking about transactions, numbers. So I'm just
18 trying to tally between the two. Because the one I
19 show was the Arabic one. So it's not fair for me just
20 to assess a document that I saw it, maybe, but my
21 review was the Arabic one.

22 Q. Okay. I am just making sure.

23 A. It has nothing to do with my -- with my
24 English.

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1 Q. I'm just making sure.

2 And you agree with me that this pattern of
3 large cash deposits continues through July 14th of
4 1999 when there's a cash deposit of 23,631 riyals,
5 correct?

6 A. Where is that?

7 Q. That is on 41460.

8 A. Yeah, okay.

9 Q. And that -- in that span of -- and in that
10 span of time, there is an additional -- a -- a large
11 check deposit as well in the amount of 5 million
12 riyals on May 25th, 1999, correct?

13 A. Where is that?

14 Q. It says 5 million there.

15 A. Where is the check, 5 million...

16 Q. It is on 41456.

17 A. Yeah, just one second.

18 Yeah, yes, a check, yes.

19 Q. And -- and during this time, the deposit
20 amount in the account climbs from the minus 1,207
21 riyals that we referenced earlier up to 19,777,552
22 riyals and change, right?

23 A. Yes.

24 Q. And during that time, there is only a

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1 single -- I'm sorry.

2 During that same time period, there's no
3 withdrawal from the account, right?

4 A. Yeah, for a certain period of time there
5 was no withdrawals, yes.

6 Q. And so during that time, there is only
7 deposits coming in which drive the value of the
8 account up over 19 million riyals, right?

9 A. Yes, sir.

10 Q. Okay. And then beginning on July 27 of
11 1999, there are a series of withdrawals, correct?

12 A. Just a second, please, sir. Can you
13 display it?

14 Q. There's a withdrawal of --

15 A. The one that starts with 2.7?

16 Q. Yeah, 2.76 million riyal withdrawal --

17 A. Yeah, yeah.

18 Q. -- and there are some other withdrawals.

19 And then we lead up to August 20th when
20 16,900,000 riyals is withdrawn from the account in
21 a -- in a single transaction, right?

22 A. In a check, by a check.

23 Q. Yep. Correct?

24 A. Yes.

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1 Q. Okay. Now, am I correct that you don't
2 regard these near -- nearly -- near daily cash
3 deposits as large as 1.259 million riyals, which
4 inflated the account from minus 1207 riyals to over
5 19 million riyals in the span of just a little over a
6 two-month period, that doesn't concern you as
7 potentially suspicious?

8 MR. CURRAN: Objection as to form.

9 You may answer.

10 BY THE WITNESS:

11 A. No, taking all other considerations about
12 knowing the customer and the nature of the customer
13 and being a charity, not at all. And that in fact --
14 in fact, maybe he has other accounts. Maybe he
15 has prior -- and even the same account in prior
16 periods, maybe you have much more amounts than this.
17 I don't know.

18 Branch personnel, they know. They know
19 about the customer. They know. But I don't -- I take
20 into consideration all what I -- circumstances around
21 this. I don't see -- it's not -- again, it's not only
22 by the amount, the inflation, no. It doesn't go like
23 this.

24 BY MR. CARTER:

1 Q. You -- you don't know what the -- you
2 don't know what the branch managers knew about Aqil,
3 do you?

4 A. This is presumed. I mean, all that --
5 again, people used to -- to bank, they go to the bank
6 to deposit checks, to withdrawal cash, to deposit
7 cash, to do whatever, like -- not like now. It's more
8 electronic and applications, and that's fine, you
9 know, everything. So it's -- so it's by going to the
10 bank, they -- they know you.

11 Q. Okay. With -- in your report you indicate
12 the potential that Al-Haramain provided Aqil with
13 "funds if it needed Aqil to pay out some donations on
14 behalf of the charity, or needed to reimburse him for
15 administrative expenses."

16 That's on Page 30 to 31 of your report.

17 A. Okay.

18 Q. Okay. Do you believe that the cash
19 deposits that went into Mr. Aqil's account during the
20 May of 1999 to July of 1999 period are potentially
21 explained away as reimbursement for administrative
22 expenses?

23 MR. CURRAN: Objection as to form.

24 You may answer.

1 BY THE WITNESS:

2 A. I'm saying what -- what could be the
3 reasons here. I'm trying to help in reasoning, but
4 in -- whatever reasons or whatever legitimate reasons
5 at that time, known at that time by the -- by the
6 branch personnel, I -- it's not conceivable to relate
7 Aqil or Haramain to drugs. This is what I'm trying to
8 convey here.

9 BY MR. CARTER:

10 Q. Are you aware that in the wake of the
11 African embassy bombings in 1998, Al-Haramain was
12 implicated as potentially having been involved?

13 MR. CURRAN: Objection as to form, lack of
14 foundation.

15 You may answer.

16 BY THE WITNESS:

17 A. Haramain Kenya or Haramain Saudi Arabia?

18 BY MR. CARTER:

19 Q. Well, do you know?

20 A. I don't know -- from my -- out of my
21 memory, the Kenya one was condemned or something, the
22 Kenyan Haramain, yeah.

23 Q. Doesn't the use by Aqil of his account to
24 carry out transactions for Al-Haramain raise the

1 possibility that he was trying to obscure
2 Al-Haramain's involvement in the financial activities
3 being carried out through the account?

4 A. Can --

5 MR. CURRAN: Objection as to form, ambiguous.

6 You may answer.

7 BY THE WITNESS:

8 A. Can you repeat your previous question
9 about Kenya? Because I missed one word that I want to
10 elaborate on.

11 BY MR. CARTER:

12 Q. Well --

13 A. Do I know that, what? Al-Haramain Kenya
14 did what?

15 Q. I'm wondering if you know whether or not
16 there was information -- well, do you know whether a
17 branch of Al-Haramain was implicated in potential
18 involvement in the August 1998 embassy attacks after
19 they occurred?

20 A. I think, like, it was accused or
21 something.

22 Q. And how do you know that?

23 A. I really didn't -- I think from Winer,
24 maybe. I don't recall exactly, the Winer report or

1 Kohlmann. I don't remember which report even.

2 Q. Does the -- the potential usage by Aqil of
3 an account in its personal name to carry out financial
4 activities on behalf of Al-Haramain raise a concern
5 that he may have been using his personal account to
6 try and obscure Al-Haramain's association with those
7 transactions?

8 A. I cannot --

9 MR. CURRAN: Objection. Objection as to form.

10 You may answer.

11 BY THE WITNESS:

12 A. I cannot -- I cannot comment on this.
13 There has to be evidences to accuse people.

14 BY MR. CARTER:

15 Q. In terms of just, you know, whether -- you
16 know, you've talked a lot about the evidence to accuse
17 people.

18 If we can go back to the SAMA Guidelines,
19 which, again, are Tab 1 in the -- or Tab 1R, sorry.
20 And on 137, we've discussed this briefly before:

21 "The SAMA Guidelines indicated that among
22 the systems banks should implement to combat money
23 laundering, they should include specialized software
24 that is available in the market to detect unusual

1 patterns of transactions and trends to indicate
2 criminal activities. These normally include the
3 following..."

4 You're aware of that requirement?

5 A. Can you display it, because I -- can you
6 highlight it? Or just tell me which number is it.
7 Can you minimize the -- the page so I can see?

8 Q. It's No. 3.

9 A. Yeah, okay. Now I can see it. It's -- so
10 it's No. 3, the highlighted ones, specifically,
11 policies and guidelines...

12 Yeah, the Arabic version says "system," it
13 doesn't say "software," but that's okay.

14 What's the question?

15 Q. Okay. And then it goes on to say that
16 the -- that the unusual patterns and types of
17 transactions that the system should identify includes
18 in number -- Roman Numeral iv, small Roman Numeral iv
19 on 138:

20 "Significant transactions" which "include
21 all transactions which exceed SR 100,000. Significant
22 transactions report should identify accounts to which
23 these transactions are related and the sources of
24 these large amounts."

1 Do you see that?

2 A. Yes, but I want -- just give me just
3 one -- a second.

4 THE WITNESS: Give me the mouse.

5 Yeah, yeah, I want to --

6 MR. CURRAN: Don't --

7 THE WITNESS: I know, I know, I know. I just
8 wanted to go to...

9 BY THE WITNESS:

10 A. Yes, sir. Yes, sir.

11 BY MR. CARTER:

12 Q. Do you know whether Al Rajhi Bank had in
13 place an automated system to generate a significant
14 transactions report including all transactions which
15 exceed SR 100,000?

16 A. I mean, the system of the bank can
17 generate itself. But I also saw in -- in the
18 anti-money laundering, like, system or mechanism that
19 they're going to use a software available, something
20 like this.

21 Q. Okay. So to the extent the software was,
22 in fact, being used, under the SAMA Guidelines, it
23 should have generated reports that included that --
24 all transactions exceeding 100,000 riyals, right?

1 A. My apologies for coughing. Just a second,
2 please. I want to stop.

3 Yes. Yes, sir.

4 Q. Okay. And so -- and when that report was
5 generated, it should have also specified and
6 identified the sources of these large amounts, right?

7 A. Yes, sir.

8 Q. Okay. So a number of the transactions
9 that we discussed in Mr. Agil's account exceeded
10 100,000 riyals, correct?

11 A. Correct, sir, yes.

12 Q. Do you know whether the automated software
13 system flagged any of those consistent with the
14 requirements of the SAMA Guidelines?

15 A. I would presume that the -- see, that --
16 not every -- just to explain about how the systems,
17 about -- like, like, in the money laundering, for
18 example, not every -- not every time you generate all
19 amounts above 100,000 riyals bank-wide.

20 I mean, globally the cash movements are
21 huge cash movements, are huge number. The first time
22 maybe of -- okay. Let me say that, for example, the
23 first time the anti-money laundering issue -- unit
24 generated that -- generated that report, which

1 included the jewelry shop and al-Aqil. Let's assume
2 that, okay. And this is -- it could have happened. I
3 mean, most likely that could have happened.

4 Then what they will do, they will say,
5 what -- for example, let me say that the anti-money
6 laundering unit doesn't know Aqil. He will contact
7 the branch manager. He will go to his trans -- maybe
8 transactions, whatever he can -- he can see.

9 Next time he will de-flag him. He will
10 not continue to be flagged, not every transaction in
11 the future. As long as you know the customer and you
12 know the sources of the customer, not every time you
13 flag the 100,000. It's a huge number of transactions.

14 Q. And, Mr. Hobayb, you've mentioned the --
15 the documents you've seen referring to the Al Rajhi
16 automated system.

17 MR. CARTER: If we can go to the document that's
18 at Tab 8R.

19 (WHEREUPON, a certain document was
20 marked Fawzi Al-Hobayb Deposition
21 Exhibit No. 11, for identification,
22 as of 02/09/2024.)

23 BY MR. CARTER:

24 Q. And this is, as I understand it, Al Rajhi

1 Bank's Anti-Money Laundering Procedure Guide that you
2 reference in your report, which was issued in November
3 of 1998, right?

4 MR. CURRAN: Objection as to form.

5 You may answer.

6 BY THE WITNESS:

7 A. Let me see it. They did not open it yet.

8 Yeah, what's in front of me now, the
9 Arabic version, the internal audit department,
10 guidelines for -- guidelines and processes to combat
11 anti-money laundering transactions, yeah.

12 Do you want me to search for that whatever
13 or --

14 BY MR. CARTER:

15 Q. No, no, no. I'm asking you if this is
16 the -- the Al Rajhi Anti-Money Laundering Procedure
17 Guide from November of 1998 that you -- you cite in
18 your report?

19 A. Yes, it was, yes.

20 Q. Okay. And just turning to the first text
21 page of that document, and, again, I'm in the English,
22 the objectives of the unit include -- the first one is
23 to "Reduce illegal activities and practices," right?

24 A. Yes.

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1 Q. And it goes on to say that another goal of
2 the unit is to "Protect the company from being
3 subjected to illegal practices, that it does not
4 become an illegal outlet for suspicious activities and
5 thus preserving the company's reputation," right?

6 A. Yes, sir.

7 Q. And that doesn't -- that's not limited
8 solely to drugs, right?

9 A. Yeah, legal practices. I mean, again, I
10 mean, the money laundering is talking about the
11 sources of funds. In that context, yes, I mean
12 legally, but yeah.

13 Q. Okay. Now, going to page ARB 738 of this
14 document --

15 A. See, the third bullet point says "A
16 technical" -- yeah, okay. Go ahead.

17 Q. In the section under "Nature of work:
18 Research and investigation phase," it indicates that:
19 "Money laundering operations are
20 discovered through the unit's available automated
21 programs, where suspicious operations are extracted by
22 those programs. The concerned branch is then
23 contacted and provided with information about the
24 volume of the client's transactions, such as the

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1 amount of external transfers (the issued bank
2 checks-foreign transfers), the transfer destination,
3 the total amount of deposits, the bought travelers'
4 checks, et cetera. After that, a statement is sent to
5 the branch director asking him to complete and fill
6 out the data of a suspected money laundering case
7 form..."

8 Do you see that?

9 A. Yes. Can you give me a minute to read it
10 again, please?

11 Q. Sure.

12 A. Yes, sir.

13 Q. Okay. So this indicates that there was an
14 automated system for extracting suspicious
15 transactions at Al Rajhi Bank, right?

16 A. Flagging, not suspicious.

17 Q. Okay. For flagging transactions, right?

18 A. Yes.

19 Q. And I think based on our discussion
20 previously about SAMA Guidelines, significant
21 transactions over 100,000 riyals should have been
22 flagged by this system, right?

23 A. Yes, by --

24 Q. And --

1 A. By the bank. By any means.

2 Q. By the bank.

3 A. By any -- either automated system or
4 manual or whatever means.

5 Q. Okay. And a number of the Aqil
6 transactions exceeded that 100,000 riyal threshold,
7 right?

8 A. Yes, sir.

9 Q. So there should have been some flag by the
10 automated system in relation to at least the first of
11 those transactions, right?

12 A. Could be, yes. I would -- I would
13 presume, yes.

14 Q. And in the event that that occurred as it
15 was supposed to, the process described in this section
16 of the manual should have taken place, correct?

17 A. They should what? Yes, yes.

18 Q. Well, this section describes what you do
19 in -- in the event, right?

20 A. Yes, yes, contacting the branch manager,
21 okay, yeah.

22 Q. And part of it is to figure out the source
23 of the funds, right?

24 A. Yeah, one of the things that was laid out

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1 here is also the source of the funds. I mean, source
2 of the funds knowing about knowing the customer.

3 Q. Okay. And so to the extent that the
4 answer to the -- to the source of the funds inquiry
5 was that these are Al-Haramain donations, shouldn't
6 someone at the bank have instructed Aqil to use the
7 Al-Haramain accounts for those instead of his own
8 account?

9 MR. CURRAN: Objection as to form.

10 You may answer.

11 BY THE WITNESS:

12 A. I cannot -- I mean, there has to be
13 specific examples to imagine a scenario. There could
14 be any scenario happened that day, but -- but I'm
15 telling you, at the first time, most likely that,
16 like, Aqil transaction exceeded 100, maybe it was --
17 it was a flagged by the system, there was some inquiry
18 happened with the branch manager and they told him,
19 well, he was associated with the -- with the charity.
20 So the drugs aspect, the drugs possibility is
21 eliminated.

22 BY MR. CARTER:

23 Q. Well, but that just eliminates the drug
24 possibility. There is also this issue of whether or

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1 not Agil's account is being used to carry out
2 financial transactions for some other party, right?

3 MR. CURRAN: Objection as to form.

4 You may answer.

5 BY THE WITNESS:

6 A. You can -- you can bank for your brother
7 or -- I mean, I don't understand what's the context.

8 BY MR. CARTER:

9 Q. It is your expert opinion that it was
10 perfectly fine for Al-Haramain to carry out financial
11 transactions through an account that was not in its
12 name. Is that your opinion?

13 A. Well, no. No, no, no, I'm not saying
14 this. I'm not saying this. I'm saying that there are
15 some persons, this is the society, this is the
16 society, that people give their donations -- some
17 people prefer to give their donations to an actual
18 person that they know them, in their area or they are
19 being highly regarded or whatever like this. I'm just
20 suspect -- I'm just assuming. But your --

21 Q. Yeah, but the --

22 A. Yes, I have the right to assume also.

23 MR. CURRAN: Mr. Carter, too many interruptions,
24 way too many.

1 BY MR. CARTER:

2 Q. Mr. Hobayb, Mr. Aqil to the extent that he
3 was receiving donations from people who were looking
4 to support Al-Haramain had signatory authority over
5 Al-Haramain's actual accounts, didn't he?

6 A. Aqil has -- he is -- he is managing
7 Al-Haramain. This is what we understand from the
8 records. There are some people associated with
9 Al-Haramain for whatever reason happened at that time,
10 and Haramain asked the bank or maybe others also at
11 the banks to change that name holder, owner, from that
12 person to Al-Haramain.

13 This was the --

14 Q. And did --

15 A. -- those were the -- you want to relate
16 something that's between two things, I couldn't really
17 understand what -- what you want to relate what to
18 what.

19 Q. I just want to make clear and be clear,
20 you -- you raised the possibility that people looking
21 to support Al-Haramain might have been giving their
22 donations to Aqil because they feel more comfortable
23 giving it to an actual person.

24 Is that what you said?

1 A. I cannot -- I don't know what's the intent
2 of those donors. Every donor has a different --
3 different intent.

4 Q. Okay.

5 A. I mean, I want to -- I want to give --
6 this is the scenario I'm reporting, that I want to
7 give money to Al-Haramain so I deposit it in XYZ
8 person's account. I didn't say that. I didn't say
9 that, no.

10 I said I'm just assuming, or just one of
11 the possibilities, that those people, actual people,
12 before being associated with knowing the society, of
13 course, for me knowing the society, that before, may
14 be associated with Al-Haramain, they -- people used to
15 give donations to those people.

16 Maybe later on, maybe later on, those
17 people get associated with Al-Haramain. Maybe they
18 get a lot of cash, a lot of money to -- for -- from
19 donations that they are -- the poor people they know
20 are limited and they want to go to much more databased
21 organization, like Al-Haramain. They have -- they
22 have lists of hundreds, thousands, or millions of poor
23 or whatever, and use on different projects.

24 Then after certain point of -- period of

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1 time, Al-Haramain decided, said, no, we want
2 everything under our name. Okay. This was in the
3 past before you got associated with me, or during or
4 whatever, for whatever reason, I'm just giving. I'll
5 say, if -- if there was a bad intent and Haramain
6 would continue to -- I'm not defending Al-Haramain.
7 I'm defending -- I'm defending what's the facts and my
8 opinion here, that the bank -- I mean -- sorry, I mean
9 Al-Haramain could have just continued.

10 I see that they just want to fix their
11 management things. This is what -- not beyond
12 anything else.

13 Q. Okay. Mr. Hobayb, did Al-Haramain have
14 accounts in its own name during the period that Aqil
15 made the transactions we've been discussing from May
16 of 1999 to July of 1999?

17 A. Yes, I think so.

18 Q. Okay. And did Aqil al-Aqil have signatory
19 authority over those accounts?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. Accounts of Haramain?

24 BY MR. CARTER:

1 Q. Yes.

2 A. Well, I have to go back because when
3 they -- I remember from the documents I saw, I
4 studied, that when they say -- when they send -- when
5 they request a bank to open an account, they, Aqil or
6 whoever was the signatory, assigned the -- the
7 signatories -- the authorized signatories for that
8 particular account, if the name of Aqil was one of the
9 signatories being it. If not, I don't --

10 Q. To the extent -- to the extent that people
11 gave Aqil cash donations for Al-Haramain, he had the
12 ability to deposit those in Al-Haramain's account,
13 right?

14 A. Now you are giving to us assumptions here,
15 that you are -- you are giving that the intent of the
16 people is to Al-Haramain. Maybe the intent of the
17 people that, "Please, Aqil, just give it to the poor
18 people that you know." I cannot --

19 Q. Well, are you raising that possibility
20 that Aqil was depositing money into this account for
21 charity purposes to be undertaken outside of the
22 context of Al-Haramain?

23 A. I -- I cannot speculate. I can't
24 speculate. I cannot speculate anything, Mr. Carter.

1 There is no information for me to -- to indicate
2 other -- otherwise. I mean, there is nothing to me to
3 indicate that it has to do with illegal activity or
4 from sources of, like, drugs or something. So I -- I
5 just go by the norm.

6 Q. With regard, in your report, to your
7 discussion about corporate governance structure at Al
8 Rajhi Bank on Page 17.

9 MR. CURRAN: If you're changing subjects,
10 Mr. Carter, I'd like a break. If not, we can continue
11 a little longer.

12 THE WITNESS: Yeah.

13 MR. CARTER: We are, but this isn't very long.

14 MR. CURRAN: Are you okay?

15 THE WITNESS: If it's less than 15 minutes.

16 MR. CURRAN: If it's 10 or 15 minutes, okay, or
17 less.

18 MR. CARTER: Yeah, I think that's it.

19 Actually, you know what, we can take a
20 break. That's fine.

21 MR. CURRAN: All right. Let's make this 15,
22 because I understand we have got some dinner in the
23 next room.

24 MR. CARTER: Okay.

1 THE VIDEOGRAPHER: All right. We are going off
2 the record at 7:31 p.m.

3 (WHEREUPON, a recess was had
4 from 7:31 to 7:51 p.m.)

5 THE VIDEOGRAPHER: Back on the record at
6 7:51 p.m.

7 BY MR. CARTER:

8 Q. Mr. Hobayb, before we took a break, I was
9 about to refer you to a section of your report
10 discussing Al Rajhi's corporate structure, but before
11 we get into that, with regard to the transactions that
12 we discussed into the Aqil account, the cash
13 transactions from May of 1999 through July of 1999,
14 did you undertake any inquiry to assess whether or not
15 the size of those deposits was in line with the
16 fundraising activities of Al-Haramain?

17 A. I cannot speculate. I cannot speculate.
18 Maybe, maybe not. I cannot speculate what -- the
19 picture is not complete. I mean, it's just a
20 snapshot, this one. It's not full.

21 Q. To the extent that the explanation was
22 that these were donations for Al-Haramain, would it
23 have been appropriate to then look at Al-Haramain's
24 account activity to see whether or not these types of

1 transactions matched up with the usual activity in its
2 accounts?

3 A. Is it usual for Al-Haramain?

4 Q. Yeah.

5 MR. CURRAN: Objection as to form.

6 You may answer.

7 BY THE WITNESS:

8 A. Yeah, I mean, the bank account for
9 Al-Haramain, for any charity, would presume that a lot
10 of deposits, either cash or in any other form.

11 BY MR. CARTER:

12 Q. It's -- I think we're talking about --
13 about 19 million riyals, right?

14 A. This is in -- this is the check, you mean?

15 Q. No. I'm saying the total of the deposits
16 into Aqil's account that we discussed from May of '99
17 to July of 1999 was a bit over 19 million riyals,
18 right?

19 A. Yes, sir.

20 Q. And -- and would that be in the general
21 parameter of \$6 million?

22 A. No. Much less than that. I mean, less
23 than -- less than \$5 million.

24 Q. And do you know -- do you happen to know

1 whether it was typical for Al-Haramain to collect
2 \$5 million in donations in a two-month period?

3 MR. CURRAN: Objection as to form, lack of
4 foundation.

5 You may answer.

6 BY THE WITNESS:

7 A. It could be. It's a big -- a big charity
8 organization. I mean, it's a -- it's big.

9 And by the way, Al-Haramain was not
10 designated either by Saudi government and US
11 government until years post-9/11. And also take into
12 consideration that in 2002, which is post-9/11,
13 treasury secretary of the United States, what is his
14 name, his name is Lewis O'Neill, the treasury
15 secretary, made the statement which I saw in one of
16 the documents that were available, that he regards
17 Haramain as something -- it is not maybe the same
18 wording, but legitimate charity organization operating
19 in Saudi Arabia, or something like that, and for
20 Islamic teaching and whatever like this.

21 So how can you expect in 1999 or 1998 a
22 bank with limited cape -- capabilities, not
23 intelligence, of course, not intelligence agency, the
24 banks are not being regarded whatsoever anywhere, even

1 in the only -- in the banking world, the US banks,
2 they are not like this.

3 So, to -- to suspect that those
4 transactions -- transactions are derived from drugs, I
5 mean, this is out of logic, I mean.

6 BY MR. CARTER:

7 Q. Mr. Hobayb, you said a lot right there,
8 including a statement by the treasury secretary.

9 Are you familiar with the content of any
10 diplomatic discussions that were ongoing between the
11 United States and Saudi Arabia concerning how to
12 approach Al-Haramain in the aftermath of
13 September 11th?

14 MR. CURRAN: Objection as to form.

15 You may answer.

16 BY THE WITNESS:

17 A. I'm -- through the documents that were --
18 I reviewed, there was -- I remember there was like
19 from a WikiLeaks, something, or something like that.

20 BY MR. CARTER:

21 Q. Do you -- do you know whether the treasury
22 department indicated as early as 2002 to the Saudis
23 that it wanted the entire Al-Haramain organization
24 shut down?

1 MR. CURRAN: Objection to form.

2 You may answer.

3 BY THE WITNESS:

4 A. Which -- which Al-Haramain was shut down?

5 BY MR. CARTER:

6 Q. The organization.

7 A. In Saudi?

8 Q. Yes.

9 A. What date was that?

10 Q. Do you know whether US officials
11 communicated to Saudi officials as early as 2002 that
12 they believed the entire Al-Haramain organization,
13 including the Saudi headquarters, needed to be shut
14 down?

15 A. Well, all -- all -- I don't recall. I
16 really don't recall, don't remember anything. I mean,
17 maybe it came to my -- my knowledge at certain point
18 of time, but I know that Al-Haramain was shut down in
19 Saudi Arabia years post-9/11. Was it 2003 or 2004,
20 something like -- I didn't really recall exactly.

21 Q. Do you --

22 A. But anyway -- anyway -- but anyway, it was
23 post-9/11. It is not pre-9/11, so, I mean -- see,
24 those actions took place post-9/11, and we are

1 assuming a bank with limited capabilities to take
2 actions and to -- where -- and be of the mind that the
3 anti-money laundering and -- obligations that it is
4 called, if you will, to combat anti-money laundering,
5 is always in the focus of the sources of funds and --
6 being it's from illegal activities -- and was the main
7 concentration, amongst others, of course, the drugs.

8 Q. Mr. Hobayb, you've mentioned --

9 A. So this is the con -- this is the context
10 that we -- we should view things pre-9/11.

11 Q. Mr. Hobayb, you've mentioned a few times
12 "a bank with limited resources."

13 Are you referring to Al Rajhi Bank?

14 A. I didn't say -- intelligence, they don't
15 have intelligence capabilities, not the resources.

16 Q. You used the phrase "limited resources."

17 A. Maybe by mistake because I'm not -- my
18 English is not the first language, but, I mean -- I
19 mean, to the context that I was talking about, I mean
20 resources of intelligence resources.

21 But for whatever they have available --
22 available to them. I don't mean staff when I talk
23 about resources, no. I mean to the context that --
24 that they know something that became to be known

1 post-9/11 and we are assuming that they should have
2 known them pre-9/11.

3 Q. Mr. --

4 A. This is what I care about.

5 Q. Mr. Hobayb, do you have any understanding
6 of what Al Rajhi Bank's annual revenue was between
7 1998 and 2001?

8 A. Yeah, they're making good money. I mean,
9 they're making good profits. It's a big bank. It's a
10 big bank, yeah. It's a big -- one of the biggest
11 banks in Saudi Arabia.

12 Q. You are aware that Aqil al-Aqil was
13 designated by the United States after 9/11 on the
14 basis of a determination that he was providing support
15 to Al-Qaeda, are you not?

16 A. I am not aware of what was the reason, but
17 I heard that he was designated in -- when was it? Was
18 it 2005 or --

19 Q. '4.

20 A. 2004?

21 Q. It was 2004.

22 A. Yeah.

23 Q. And are you aware -- and do you accept
24 that Aqil al-Aqil was, in fact, involved prior to 9/11

1 in channeling resources to Al-Qaeda?

2 MR. CURRAN: Objection as to form.

3 You may answer.

4 BY THE WITNESS:

5 A. I don't really know. I didn't see -- I
6 didn't see things. So I -- I didn't -- I just didn't
7 know.

8 BY MR. CARTER:

9 Q. On Page 17 of your report, you talk about
10 Al Rajhi's corporate structure.

11 A. Yes, sir.

12 Q. Do you recall that aspect of your report?

13 A. Yes, sir.

14 Q. Are you a lawyer?

15 A. What do you mean by -- by "lawyer"? This
16 is -- my career, I have put it in my CV.

17 Q. Yeah, you are not a -- you're not trained
18 as a lawyer, correct?

19 A. My -- yeah, my undergraduate study was in
20 accounting.

21 Q. Are you an expert on corporate governance
22 structures?

23 MR. CURRAN: Objection as to form.

24 You may answer.

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1 BY THE WITNESS:

2 A. It's part of our -- of our -- of the scope
3 of the tailor of the audit, internal and external.

4 BY MR. CARTER:

5 Q. And --

6 A. Internal and external, part of the scope
7 to assess --

8 Q. And --

9 A. -- corporate governance.

10 Q. During the time period that we've been
11 discussing, 1998 to 2001, who was the chairman of
12 Al Rajhi Bank?

13 A. I don't know. Maybe Sulaiman Al Rajhi. I
14 don't -- I do not exactly -- maybe Sulaiman Al Rajhi,
15 because you are specifying a period which I haven't --
16 I don't know when was -- there were some changes or
17 something.

18 Q. Do you know who the general manager of
19 Al Rajhi Bank was during the 1998 to 2001 time period?

20 A. Through the documents, they show
21 Abdullah -- Abdullah Al Rajhi was, like, the general
22 manager or something, but I don't know from which --
23 when did it start, I really don't know. But from the
24 documents I saw, pre-9/11 Abdullah Al Rajhi at certain

1 point of time was the general manager of -- of
2 Al Rajhi.

3 Q. And do you know whether Abdullah Al Rajhi
4 was related to Sulaiman Al Rajhi?

5 A. I think he --

6 MR. CURRAN: Objection as to the tense.

7 You may answer.

8 BY THE WITNESS:

9 A. I think -- I think he is the son.

10 BY MR. CARTER:

11 Q. Do you know whether any other members of
12 Sulaiman Al Rajhi's family served within the
13 management structure of Al Rajhi Bank during this
14 period?

15 A. I do not. I cannot answer it. I really
16 don't know.

17 Q. Do you know who the members of the board
18 were during this time period?

19 A. I don't remember the names. I mean, I
20 remember there were many, like, ten or maybe more,
21 maybe more than ten. I -- I don't really exactly
22 recall names or numbers.

23 Q. Do you know what percentage of Al Rajhi
24 Bank Sulaiman Al Rajhi owned during the 1998 to 2001

1 time period?

2 A. I don't know exactly.

3 Q. There is a discussion in your report about
4 the relationship -- well, Mr. Winer's discussion of
5 the SAAR Foundation. This is on Page 31 of your
6 report.

7 A. Yes, sir.

8 Q. Okay. And you indicate that:

9 "...donations to Al-Haramain did not come
10 from the 'SAAR Foundation,' which I understand to be a
11 charitable organization based in the United States,
12 but rather the Sulaiman Abdul Aziz Al Rajhi Charitable
13 Foundation based in Riyadh, Saudi Arabia."

14 Do you see that?

15 A. Yes, sir.

16 Q. Okay. In connection with your report, did
17 you undertake a review to determine who was
18 responsible for creating the SAAR Foundation in the
19 United States?

20 A. No.

21 Q. Did you undertake a review to determine
22 who had operational control over that?

23 A. No. It's outside the Saudi Arabia, no.

24 Q. Did -- in connection with your report, did

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1 you undertake any review to determine whether or not
2 the funds provided by the Sulaiman Abdul Aziz Al Rajhi
3 Charitable Foundation were attributable to the SAAR
4 Foundation USA?

5 A. I don't recall exactly. It's -- do you
6 mean are there funds transferred from Sulaiman Abdul
7 Aziz Al Rajhi Charitable Foundation to SAAR Foundation
8 in the US?

9 Q. Well, no. I'm asking you whether or not
10 any money that was distributed the Sulaiman Abdul Aziz
11 Charity Foundation in Saudi Arabia was then attributed
12 to SAAR Foundation in the USA?

13 A. What do you mean "attributed"? I mean,
14 transferred from the fund, from the Sulaiman Abdul
15 Aziz Al Rajhi Charitable Foundation to the US one?

16 Q. I mean --

17 A. Is this what you mean by that?

18 Q. I mean designated -- designated as a
19 disbursement made by the SAAR Foundation in the US?

20 MR. CURRAN: Objection as to form.

21 You may answer.

22 BY THE WITNESS:

23 A. I don't remember seeing transactions.

24 Maybe there was transactions, maybe there were not. I

1 mean, I forgot what transactions they show. If you
2 can pinpoint to any transaction that -- during my
3 review, please. I didn't really -- I don't remember
4 was -- whether it was or was not during my review that
5 I saw a transfer from Sulaiman Abdul Aziz Al Rajhi
6 charitable organization in Saudi Arabia to SAAR
7 Foundation in the US.

8 I saw, as stated in my report, that I just
9 wanted to clarify that Winer was miss -- I mean,
10 missing between -- or mischaracterizing between SAAR
11 Foundation in the US, and he considered as -- as it is
12 the Saudi one. The Saudi one name is not SAAR
13 Foundation. The name is Sulaiman Abdul Aziz Al Rajhi
14 Charitable Foundation.

15 BY MR. CARTER:

16 Q. But did you undertake --

17 A. So the transcript that he -- it was
18 mentioned by the -- the donation was mentioned by --
19 by Winer, in reality it was from Sulaiman Abdul Aziz
20 Al Rajhi charitable organization to Al-Haramain.
21 And -- and by the way, Sulaiman Al Rajhi is very well
22 known, maybe globally, that one of the highest paid
23 people on donations to the poor people and the needy
24 people.

1 And the amount there that was donated from
2 Sulaiman Abdul Aziz Al Rajhi charitable organization
3 to Al-Haramain in relation to, I presume, to the total
4 donations, the total is just adding much.

5 Q. Did -- did you undertake any evaluation to
6 determine whether or not the -- the Sulaiman Abdul
7 Aziz Charitable Foundation in Saudi Arabia and SAAR
8 Foundation in the United States functioned as a single
9 entity?

10 A. I didn't see any evidence of such.

11 Q. Did -- did you -- did you under -- was
12 that part of your evaluation to try and determine
13 whether that was the case?

14 A. I had found it irrelevant, to be honest
15 with you. I found it irrelevant, because I'm -- I'm
16 rebutting to -- I'm rebutting to -- to Winer. When he
17 highlighted this transaction and he miscategorized it
18 as it was the -- a donation from SAAR -- SAAR
19 Foundation in the US to Al-Haramain, I just wanted to
20 clarify.

21 That may be misunderstanding by Winer that
22 the donation was made by SAAR Foundation in the US to
23 Al-Haramain in Saudi Arabia, which was not that
24 transaction. It didn't -- it doesn't say that at all.

1 It says it is not from the SAAR Foundation in the US.
2 It says from Sulaiman Aziz Al Rajhi Central Reserve
3 organization to Al-Haramain organization -- charity.

4 Q. Well, do you happen to know whether any of
5 the distributions from Sulaiman Abdul Aziz's
6 charitable foundation in Saudi Arabia to Al-Haramain
7 were then listed as distributions from SAAR Foundation
8 USA to Al-Haramain?

9 A. I didn't see any evidence of such.

10 MR. CARTER: Okay. That's all I have,
11 Mr. Hobayb.

12 THE VIDEOGRAPHER: Go off the record?

13 MR. CURRAN: No, no need to go off the record.
14 I don't have any questions for the witness. I'd like
15 to thank the court reporter, the videographer, and the
16 technician for their time and efforts, and thanks
17 everyone else. I appreciate it very much.

18 MR. CARTER: Yeah, I'm going to join in that and
19 especially Evan who joined from the West Coast at
20 3:30 in the morning. So, thanks, everybody.

21 Thank you, Mr. Hobayb. And safe travels
22 to all of you who are returning from Saudi Arabia.

23 THE WITNESS: Thank you very much, sir.

24 THE VIDEOGRAPHER: All right. This ends today's

1 deposition. We are going to go off the record at
2 8:11 p.m.

3 ---

4 Thereupon, at 8:11 p.m., on Friday,
5 February 9, 2024, the deposition was concluded.

6 ---

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1 REPORTER'S CERTIFICATE

2

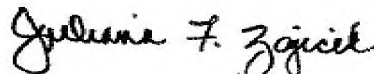
3 I, JULIANA F. ZAJICEK, a Registered
4 Professional Reporter and Certified Shorthand
5 Reporter, do hereby certify that prior to the
6 commencement of the examination of the witness herein,
7 the witness was duly remotely sworn by me to testify
8 to the truth, the whole truth and nothing but the
9 truth.

10 I DO FURTHER CERTIFY that the foregoing is
11 a verbatim transcript of the testimony as taken
12 stenographically by me at the time, place and on the
13 date hereinbefore set forth, to the best of my
14 availability.

15 I DO FURTHER CERTIFY that I am neither a
16 relative nor employee nor attorney nor counsel of any
17 of the parties to this action, and that I am neither a
18 relative nor employee of such attorney or counsel, and
19 that I am not interested directly or indirectly in the
20 outcome of this action.

21 IN WITNESS WHEREOF, I do hereunto set my
22 hand on this 27th day of February, 2024.

23



24

JULIANA F. ZAJICEK, Certified Reporter

1 DEPOSITION ERRATA SHEET

2

3 Assignment No. 350182

4 Case Caption: In Re Terrorist Attacks on

5 September 11, 2001

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I
10 have read the entire transcript of my Deposition taken
11 in the captioned matter or the same has been read to
12 me, and the same is true and accurate, save and except
13 for changes and/or corrections, if any, as indicated
14 by me on the DEPOSITION ERRATA SHEET hereof, with the
15 understanding that I offer these changes as if still
16 under oath.

17

18 FAWZI AL-HOBAYB

19

20 SUBSCRIBED AND SWORN TO

21 before me this day

22 of , A.D. 20__.

23

24 Notary Public

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1	DEPOSITION ERRATA SHEET
2	Page No. _____ Line No. _____ Change to: _____
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22	Reason for change: _____
23	SIGNATURE: _____ DATE: _____
24	FAWZI AL-HOBAYB

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ERRATA

GOLKOW LITIGATION SERVICES
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PHILADELPHIA, PA 19103
877-370-3377

NAME OF CASE: *In Re: Terrorist Attacks On September 11, 2001*, No. 03-md-1570 (S.D.N.Y.)

DATE OF DEPOSITION: February 9, 2024

NAME OF DEPONENT: Fawzi Al-Hobayb

Page	Line(s)	Change	Reason
9	13-14	Add "My name is Sean Carter" before "I'm an attorney"	Transcription error.
14	21	Change "submitted" to "submit"	Grammar.
15	13	Change "2003" to "2023"	Clarification.
15	14	Change "they" to "I"	Clarification.
15	20	Replace "on what that" with "on what date"	Clarification.
15	21	Change "I don't really recall exact date when did they start." To "I don't really recall the exact date when I started."	Clarification.
18	11	Change "I mean, mention whatever" to "mean, it depends on whatever."	Transcription error.
20	10	Delete "is this act"	Clarification.
26	12	Replace "that was" with "the audit"	Transcription error.
26	13	Replace ". W" with ", w".	Transcription error.
26	18	Replace "eagle" with "alter-ego"	Transcription error.
26	22	Replace "auditor" with "auditing"	Transcription error.
33	2	Change "specific" to "specify"	Clarification.
33	2-3	Change "in what date that request may came" to "on what date that request may have come"	Grammar.
34	6	Add "banking" between strong and regulatory	Transcription error.
36	10	Replace "can't" with "can"	Transcription error.
36	11	Replace "cannot" with "can"	Transcription error.
38	4	Replace "they just" with "I guess"	Transcription error.
38	4	Replace "may be" with "maybe"	Transcription error.

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Page	Line(s)	Change	Reason
38	18-20	Change “I saw that he has a correspondent bank with Chase Manhattan, which indicate to me that he has correspondent banking” to “I saw that it has a correspondent bank with Chase Manhattan, which indicated to me that it has correspondent banking”	Grammar.
39	15	Replace “LLCs” with “LCs”	Transcription error.
39	23	Replace “current facility” with “current or facility”	Clarification.
40	10	Replace “Nost” with “Nostro”	Clarification.
42	22	Change “hear” to “heard”	Grammar.
43	1	Change “transfer done with a certain threshold” to “transfer was done above a certain threshold”	Grammar and clarification.
43	4	Add “is” after “so this”	Grammar.
43	5	Add “—depends on” before “the circumstances”	Transcription error.
48	12	Change “do” to “did”	Grammar.
50	6	Change “own” to “only”	Transcription error.
50	20	Change “create” to “created”	Grammar.
52	9	Replace “wasn’t” with “was”	Transcription error.
55	16-17	Change “I did not -- I did not even thought that I would ask for them” to “I did not -- I did not even think to ask for them”	Grammar.
55	20	Change “some or another” to “somehow or other”	Grammar.
58	20	Change “what” to “that”	Clarification.
58	21-22	Change “Central Bank is -- have wide oversight, scope on financial system.” to “The Central Bank has a wide oversight scope over the financial system.”	Grammar.
59	12	Add “Hobayb” after “But Mr.”	Transcription error.
60	13	Change “report what” to “rebut”	Transcription error and clarification.
60	24	Add “were” after “and”	Clarification.
65	2	Replace “with a tenor” with “within a term”	Transcription error.
66	5	Change “my” to “me”	Transcription error.
66	6	Change “do” to “can”	Clarification.
66	9	Change “it existed” to “it didn’t exist”	Clarification.
66	10	Change “happened” to “it didn’t happen”	Clarification.
70	16	Add “an” before audit committee and “--” before “this is”	Grammar and punctuation.
70	11	Replace “lawyers” with “low-risk”	Transcription error.
70	12	Replace “I ask” with “high risk”	Transcription error.
70	17	Remove “is” before “independent”	Grammar.
70	22	Change “thought” to “think”	Grammar.
72	13	Change “Winer’s” to “Winer”	Grammar.

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Page	Line(s)	Change	Reason
72	14	Change "report" to "reports"	Grammar.
73	2	Add "that" before "make"	Grammar.
73	7	Change "suspect me" to "was suspect to me"	Grammar.
73	9	Change "suspect me" to "suggested to me"	Clarification.
73	11	Change "in the contrary" to "to the contrary"	Grammar.
74	17	Change "are" to "is"	Grammar.
80	17	Change "asked" to "ask"	Transcription error.
81	3	Remove "do" before "you mean"	Transcription error.
81	4	Change "any" to "it"	Grammar.
82	13	Replace "- ." with "."	Clarification.
86	2	Change "Winer's" to "Winer" and "report" to "reports"	Grammar.
89	17	Change "the bank" to "a bank"	Clarification.
90	5	Add "policy" after "AML" and change "talk to" to "talks"	Clarification.
91	8	Change "facts," to "FATF recommendations"	Transcription error.
91	9	Change "search" to "searched"	Transcription error.
94	16	Replace "ex patriots" with "expatriates"	Transcription error.
95	9	Delete "non-English"	Clarification.
96	19	Change "look" to "looked"	Transcription error.
100	22	Change "I didn't say the Arabic" to "It didn't say. The Arabic --"	Transcription error.
103	9	Delete "but"	Transcription error.
103	11	Change "and instruct the banks to -- by -- by the way, Basel Committee" to and "instructing the banks to -- by -- by the way, the Basel Committee"	Clarification.
103	12	Add "it" before "even"	Grammar.
103	15	Add "the" before "Basel Committee"	Grammar.
104	18	Replace "audit" with "auditor"	Transcription error.
105	1	Remove "was"	Grammar.
105	12	Add "a" before "cover letter"	Grammar.
107	6	Replace "by -- legally by -- by auditing" with "body, legally"	Clarification.
107	22-23	Change "about the combatant" to "combating"	Clarification.
109	18	Remove "the" before "Al Rajhi"	Grammar.
109	20-21	Change "are obliged for the regulations and for the oversight of SAMA" to "is obliged to comply with the regulations and be subject to the oversight of SAMA."	Clarification.
110	22	Add "for" before "anybody"	Clarification.
111	23	Replace "auditor" with "audit"	Transcription error.
112	10	Delete "meet"	Clarification.
113	17	Replace "anti-money laundering" with "internal audit"	Transcription error.
113	17	Replace "reports" with "plans"	Clarification.
113	19	Replace "that it was done" with "that is was not"	Transcription error.
114	2	Replace "engaged" with "arranged"	Transcription error.
114	12	Change "it" to "I"	Transcription error.

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Page	Line(s)	Change	Reason
114	14	Change “proficient” to “profession”	Transcription error.
115	10	Change “will” to “to make one”	Clarification.
117	15	Replace “Sal Al-Jarboua’s” with “Saleh Al-Jarbou’s”	Transcription error.
122	16	“it’s a lose” to “it’s loose”	Transcription error.
122	20	Change “lose” to “loose”	Transcription error.
125	12	Add “Plaintiffs” after “for the”	Clarification.
128	20	Change “And some say” to “And SAMA says”	Transcription error.
129	1	Change “certain condition, like was asked by the account owner” to “a certain condition, like it was asked for by the account owner”	Grammar.
133	9	Add “report to” after “is to”	Clarification.
134	1	Change “do” to “does”	Grammar.
134	2	Change “you” to “they”	Clarification.
134	14	Add “appears” before “suspicious”	Clarification.
134	17	Change “close” to “closing”	Grammar.
135	1	Add “answer regarding” before KYC	Clarification.
135	3	Add “there” between “asks for” and “not to be”	Clarification.
135	24	Add “goes” before “to the”	Clarification.
136	6-7	Change “he” to “it”	Grammar.
137	11	Add “capabilities” after “limited”	Clarification.
139	19	Add “bank is” before “not allowed”	Clarification.
140	20-21	Change “I remember SAMA was in – to be -- being ” to “I remember SAMA is where it ”	Clarification.
140	21	Add “would be” before “reported.”	Clarification.
149	15	Remove “for” before “Winer”	Clarification.
149	16	Remove “that” before “Haramain”	Clarification.
149	19-20	Change “be it an Al-Qatiroh (phonetic)” to “be it Al-Aqil”	Transcription error.
150	6	Change “did” to “had”	Grammar.
151	14	Replace “not” with “but”	Transcription error.
151	16	Add “,” after “very”	Transcription error.
151	20	Delete “it’s”	Clarification.
151	20	Delete “that”	Clarification.
151	23	Change “’90” to “1998”	Transcription error.
152	16	Change “riyal” to “riyals”	Transcription error.
152	18	Change “dollar” to “dollars”	Transcription error.
152	22	Remove “was” before “the 500 riyal note was” and add “note” before “was”	Clarification.
152	24	Remove “too” before “many”	Clarification.
153	1	Remove “bad”	Clarification.
153	11	Remove “well”	Transcription error.
153	23	Replace “two” with “ten”	Transcription error.
154	2-3	Change “I’m sure it was since a long time, but I really don’t know when did it start” to “I’m sure it was a long time ago, but I really don’t know when it started”	Grammar.

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Page	Line(s)	Change	Reason
155	18	Add "that" before "Aqil"	Grammar.
155	20	Remove "no, I haven't"	Clarification.
155	21	Add "relationship" after "banking" and before "with the bank"	Clarification.
155	23	Add "him" after "know"	Clarification.
156	10	Add "BY MR. CURRAN: Objection as to form."	Transcription error.
156	19-20	Change "occurred" to "occurring"	Grammar.
160	15	Add "who" before "customer is"	Transcription error.
161	18	Change "I didn't recall, but -- I didn't recall" to " I really don't recall, but -- I really don't recall."	Transcription error and clarification.
170	10	Replace "what this" with " , but the"	Transcription error.
170	11	Replace "is" with "guidelines are"	Grammar.
171	22	Change "and those are" to "and the other"	Transcription error.
173	24	Change "more people" to "poor people"	Transcription error.
174	1	Change "a Haramain" to "al-Haramain"	Transcription error.
178	21	Change "Or" to "Well"	Transcription error.
179	2	Remove "Forgot, yeah"	Transcription error.
179	6	Remove "to" before "a report" and remove "why"	Clarification.
179	8	Change "comment" to "commented"	Grammar.
180	12	Replace "assist" with "assess"	Transcription error.
181	6	Change "riyal" to "riyals"	Grammar.
182	16	Replace "visioning" with "envisioning"	Clarification.
182	17	Change "Aqil" to "al-Aqil"	Transcription error.
183	15	Change "scree" to "screen"	Transcription error.
186	11	Change "I'm thankful" to "My apologies to you"	Transcription error.
186	20	Delete "whatever"	Clarification.
188	19	Change "show" to "saw"	Transcription error.
190	5	Change "was" to "were"	Grammar.
192	6	Change "withdrawal" to "withdraw"	Grammar.
192	8	Change "that's fine" to "at home"	Transcription error.
192	9	Replace "So it's -- so it's" with "So, back then, it's"	Clarification.
197	18	Add "guide" after "anti-money laundering" and add "a" before "system"	Clarification.
197	23	Remove "that -- "	Transcription error.
198	21	Add "a" before "huge number"	Grammar.
198	23	Change "anti-money laundering issue --- unit " -- to anti-money laundering unit issue -- "	Transcription error.
201	9	Change "legal practices" to "illegal practices"	Transcription error.
201	10	Change "money laundering" to "anti-money laundering guide"	Clarification.
201	12	Change "legally to "any illegal"	Transcription error.
205	17	Change "actual" to "natural"	Transcription error.
207	6	Change "reporting" to "putting"	Transcription error.
207	12	Add "--" before "knowing the society"	Clarification.
207	13	Replace "society," with "society --"	Clarification
207	24	Add "a" between "after" and "certain point of"	Grammar.

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Page	Line(s)	Change	Reason
208	3	Replace “me” with “us”	Clarification.
208	5	Replace “and Haramain” with “Al-Haramain”	Transcription error.
209	8-9	Change comma to a period after “particular account.” The following text should read “If the name of Aqil was one of the signatories on it...”	Punctuation.
209	16	Change text after “people” to “was to give to Al-Haramain.”	Clarification.
213	10	Add “the” before “Saudi government” and change “and” to “or” before “US government”	Grammar.
213	13	Add “the” before Treasury Secretary	Grammar.
213	14	Replace “Lewis” with “Paul”	Clarification.
216	2	Change “and be of the mind” to “and bear in mind”	Transcription error.
216	14	Add “that” after “say”	Clarification.
216	20	Add “But in fact, I did not use the word ‘resources.’ I said ‘limited capabilities’ and I meant they had limited intelligence capabilities” after “intelligence resources.”	Clarification
219	3	Delete “tailor of the”	Transcription error and clarification.
222	3	Change “attributable” to “attributed”	Transcription error.
222	10	Add “by” after “distributed”	Transcription error.
223	1	Replace “they show” with “I saw”	Transcription error.
223	4	Replace “was -- whether it was or was not” with “whether or not”	Clarification.
223	17	Replace “transcript” with “transfer”	Transcription error.
223	17	Delete “it”	Clarification.
223	22-23	Change “that one of the highest paid people on donations to the poor people and the needy” to “as one of the people making the highest amount of donations to the poor people and the needy”	Clarification.
224	4	Replace “just” with “not”	Clarification.
224	18	Add “if” after “as”	Clarification.
225	2	Replace “Central Reserve” with “Charitable”	Transcription error.

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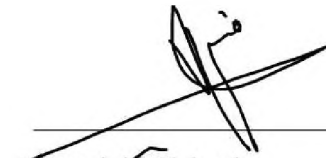
THIS TRANSCRIPT CONTAINS CONFIDENTIAL MATERIAL

ACKNOWLEDGEMENT OF DEPONENT

I, Fawzi Al Hobayb, do hereby certify that I have read the pages in the transcript of my deposition on February 9, 2024, in the matter *In Re: Terrorist Attacks On September 11, 2001*, No. 03-md-1570 (S.D.N.Y.), and that the transcript is a correct transcription of the answers given by me to the questions therein propounded, subject to the corrections and changes in form or substance noted in this Errata.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed April 12, 2024



Fawzi Al-Hobayb

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